

California Historical Society *Quarterly*

VOLUME XV



NUMBER 1

MARCH 1936

ABRAHAM LINCOLN AND THE NEW ALMADEN MINE

By MILTON H. SHUTES

THE OLDEST of California's mines is the New Almaden, on the sunrise slope of the Santa Cruz Mountains in Santa Clara County, famous for its wealth and notorious for its long, tempestuous life in the courts. In extent and richness it ranked third to its name-source, the greatest of all cinnabar mines—the Almaden in Spain. One of the Barons Rothchild, lessee of the old Almaden, fearful of his hold on the world's quicksilver market, once paid the California mine a dramatic visit. In one of its many yielding years, it produced over \$2,000,000.¹ While men fought over their claims to the mine's land titles through the higher courts, its cinnabar ore continued an almost constant yield of quicksilver for forty-five years, and then intermittently until the end of the World War. Recently, workers of the Civilian Conservation Corps moved into the old ghost town and removed what ravages of time had left of adobe huts and *cantinas*. Today, dark tunnels, shafts, tailing heaps, and an old school building above New Almaden's quaint little main street remain as mute witnesses of the mine's former greatness.

The original discoverers were the Indians, who gathered the red ore for its pigment.² Certain early Californians attempted to extract silver from the stuff,³ but its real nature was not suspected until 1845, when General José Castro called the attention of Captain Don Andrés Castillero to the deposit.⁴ The genial Mexican cavalry captain had a knowledge of metals and chemistry. He was on a special mission to California, commissioned by Mexico

to buy out Johann August Sutter and scatter the disquieting nest of Americans at New Helvetia.⁵ Stopping at Mission Santa Clara, Castellero visited the mine and experimented with the heavy ore. As soon as he had satisfied himself of the presence of cinnabar and the extent of the deposit, he lost interest in his mission to hold back the steady push of foreign immigration. In good faith and with honest intent, the excited captain filed certain claims with the Mexican Government, through Alcalde Antonio Maria Pico at San Jose, and formally made known his good news to the surrounding public.⁶

Castillero then formed a company to work the mine—the New Almaden Company—the usual Mexican company of twenty-four parts, of which four went to General Castro, four to Padre Real, of Mission Santa Clara, four to the two interested Robles brothers, and twelve to himself. When the close of the Mexican War permitted, Castillero had an official survey made of the 3,000 varas in all directions from the mouth of the mine, which was the extent of the claim he had “denounced” under the Mexican law.⁷ California, however, was by that time American, and not Mexican. And on the land, Sergeant José R. Berreyesa and his family had their home. The adjoining land was that of Justo Larios, and from all directions came trouble to the claim of Castillero and the New Almaden Company.⁸

The claim of Berreyesa was absorbed in part by the New Almaden Company, and the control of the company itself passed, not without questionable methods, to the very enterprising British firm of Barron, Forbes and Company, of Tepic, Mexico. The claim of Larios came, through various hands, at length to those of President Polk’s brilliant Secretary of the Treasury, Robert J. Walker.⁹ Two mortgages which the land had accumulated were bought in at a sheriff’s sale in 1854 by the Frenchman, Charles Fossatt. Henry Laurencel and James Eldridge in turn purchased a three-quarters interest from him, and eventually sold it to the Quicksilver Mining Company of Pennsylvania and New York.¹⁰ Their claim became known as the Fossatt Claim, and the company owning it sought by every possible means to gain control of the mine.

Because of the exasperating snarl in which California found its land titles involved, President Fillmore appointed a Board of Land Commissioners in accordance with the Act of Congress of March 3, 1851. The act made it necessary for claimants to present their titles within two years, or the land would be considered as a part of the public domain. The New Almaden Company, therefore, in 1852, petitioned the Board for confirmation of their acquired titles.¹¹ As a result of favorable opinion by the Land Commission, a suit was started that, for a period of twelve years, was heard in two district judicial bodies and in the United States Supreme Court, that aroused an excited public opinion in California, and that involved notable figures of both the Buchanan and Lincoln administrations. For President Lincoln himself, it became another annoyance in that black and very hot summer of 1863.

During the succeeding fall, Lincoln was the most cordially hated man in the country—in the North as well as in the South. He came near to the breaking point in 1863. Northern compromisers and peace Democrats were again on the rampage. One orator in Congress, in referring to the President, exclaimed, "Better, far better, for this country had he never been born."¹² Fifty million dollars were owing to the soldiers. Democrats were retarding legislation by making useless speeches or absenting themselves and otherwise doing all they could to embarrass the Government and oppose the war and the administration. The North was still smarting from the ghastly defeats at Fredericksburg and Chancellorsville, and Lincoln was bitterly disappointed over General Meade's failure to capture Lee and his army after Gettysburg. Secretary of the Navy Welles was so impressed that he wrote on July 14: "... on only one or two occasions have I ever seen the President so troubled, so dejected and so discouraged."¹³ There was criticism at home and hostility from abroad. Into that world of trouble for President Lincoln came this New Almaden business as another irritant.

The suit against the New Almaden Company had its origin in the contention that certain official Mexican documents, constituting a part of the documentary title that was set up by the New Almaden Company, were false, antedated and forged, and that the documents had been fraudulently built up since the end of Mexican rule in California.¹⁴ As evidence, forty letters, admitted to be genuine by the New Almaden people, were produced. These letters consisted of a correspondence over a period of three years between one party in San Francisco and another in Tepic, Mexico. In them, the California correspondent informed his partner in Mexico exactly what documents were wanted and how they must be worded. California became United States territory on July 7, 1846, yet the earliest of these letters was dated six months later (January 7, 1847), which indicated to the opposition that no proper title existed in 1846, and that what title did exist, at the time of the petition before the Land Commission, was antedated and forged. On the strength of the forty letters, the Circuit Court granted an injunction.¹⁵

In 1858, President Buchanan's Attorney-General, Jeremiah S. Black, sent Edwin M. Stanton to California to investigate the land title muddle and represent the interests of the Government.¹⁶ Stanton had just successfully completed his work as chief counsel in the McCormick Reaper Case in Ohio, made famous by the humiliating rôle forced upon one of his assistant counsels, A. Lincoln, by the intolerant Stanton, who insultingly threatened to leave if "that Illinois gorilla" remained. Deeply humiliated, Lincoln quietly returned to Springfield.

Two days after his final argument in the Reaper Case (February, 1858), Stanton was on his way to California. He arrived in San Francisco on the 19th of March. After a single day devoted to getting acquainted, this dynamic prosecutor hit a stride that, within one year, brought to a close the over-

crowded California industry of fabricating land titles. Stanton and Black deserve much credit for their successful efforts to protect the public domain, for it resulted in protection also to the owners of valid Mexican grants and it helped to bring order to the title chaos.¹⁷ Henry George, commenting upon the stir raised by Black and Stanton, said, "If the history of the Mexican grants in California is ever written, it will be a history of greed, of perjury, of spoliation, and of high-handed robbery, for which it will be difficult to find a parallel."¹⁸

The most eager of the California claimants was José Y. Limantour, formerly a French merchant of Monterey, who claimed title to nearly 1,000 square miles of real estate in and about San Francisco.¹⁹ Stanton soon unearthed evidence which proved how fraudulent these claims were. He next attacked the complicated New Almaden question. This time he was counsel for the opposing Fossatt claimants, as well as a Government investigator.²⁰ A few years later (1862), Senator James McDougal, of California, attempted to embarrass Secretary of War Stanton by demanding a review of Stanton's generous salary and expense account in California.²¹

We cannot escape the conviction that Stanton was honest in his belief that the New Almaden claim was full of "fraudulent fabrications." The reason that Lincoln invited Stanton into his Cabinet and kept him there, in spite of his former insults, his irascible disposition, and his critical political attitude, was that Stanton was possessed of three outstanding characteristics—a great capacity for work, a forceful will, and a rugged, unbending integrity. Stanton lent his great ability to prove in the Castillero claim that the documents were antedated, and that the unguarded records in San Jose, California, as well as those in Mexico, had been tampered with.

The New Almaden Company (Castillero Claim) was represented by the well-known San Francisco firm of Halleck, Peachy, and Billings. As consulting counsel, smart Judah P. Benjamin, later in Jefferson Davis's cabinet, and Senator Reverdy Johnson, famous in his day, were added to the staff. In January, 1861, Judges McAllister and Hoffman, in the United States District Court, confirmed the Castillero claim in part and rejected it in part. Both parties then appealed to the Supreme Court of the United States, where the case was docketed under the title of "The United States *vs.* Castillero." For the Government appeared Attorney-General Bates, former United States Justice Benjamin R. Curtis, former Attorney-General Jeremiah S. Black, and Secretary of War Edwin M. Stanton. For the claimants appeared A. C. Peachy, Reverdy Johnson, Charles O'Connor, John J. Crittenden, and Hall McAllister. Argument in the case began January 30, 1863, and in March the Court rendered a close (4 to 3) decision against the Castillero claimants (the New Almaden Company).²²

The terribly entangled legal life of the New Almaden Mine had its moments of more than ordinary interest. When the 1861 decision was rendered

by Judges McAllister and Hoffman in the United States District Court, the correspondent of the New York *Tribune* wrote from San Francisco that, "New Almaden, the most threadbare of topics, has yielded a sensation in the town. . . ." ²³ In the main, however, it moved along its laborious way toward the Supreme Court in Washington. There the monotony faded as the long title race neared the finish line. Later, as the stir of legal victory and defeat began to subside, President Lincoln suddenly and unintentionally shot the whole affair full of color and excitement, bringing upon himself, in California, criticism from friends and recrimination from foes.

Though the New Almaden Company lost before the highest court of law, it still had actual possession of the mine; and possession, before the court of reality, is generally conceded to be nine-tenths of the law. In the interests of meeting that situation, President Lincoln, with the authority of the Supreme Court back of him, signed the following writ:

To C. W. Rand, Esq., Marshal of the United States for the Northern District of California.—Whereas, It has come to my knowledge that one Andres Castillero, and divers persons acting or claiming to act under him as his agents or assigns, have, under and by virtue of a pretended grant or grants from the lawfully constituted authorities of the Republic of Mexico, occupied and taken possession of, and made settlement on, a portion of the public lands of the United States situated in the county of Santa Clara and State of California, commonly called and known as the New Almaden Quicksilver Mine, and have for a long time past, by extracting valuable minerals therefrom and converting the same to their own use, by erecting buildings and other improvements thereon, and by other unauthorized acts, used and enjoyed said portion of the public lands as if they were the lawful owners thereof; all of which acts have been without the consent and against the rights of the United States.

And, Whereas, By the decision of the Supreme Court of the United States in the case of Andres Castillero against the United States at the December term of the Court last past it has been adjudged that the grant or grants from the lawfully constituted authorities of the Republic of Mexico, under which the said Andres Castillero and the persons claiming under him as agents or assigns have claimed and pretended to hold the said described portion of the public land, is or are fraudulent and void, and conferred no right whatever to the said described portion of the public lands or to the minerals thereon, whereby it appeared that the said Andres Castillero and the persons claiming under him as agents or assigns now in possession of said described premises, are intruders thereon without right; And whereas, The said described portion of the public lands has never been surveyed and opened to settlement and sale under the laws of the United States,

Now, Therefore, I, Abraham Lincoln, President of the United States, by virtue of the power and authority in me invested by the Act approved the 3rd day of March, A.D. 1807, chap. 46, entitled "An Act to prevent settlements being made on lands ceded to the United States, until authorized by law," do hereby order and direct you to enter upon that portion of the public lands situated in Santa Clara county, in the State of California, commonly called and known as the New Almaden mining property embracing about three thousand varas of land in all directions from the mouth of the mine commonly called and known as the New Almaden Quicksilver mine, and to remove therefrom any and every person or persons who shall be found on the same and deliver the said premises, with all appurtenances of whatsoever kind to the possession of Léonard Swett, an agent who has been duly authorized by me to take possession of and hold the same for

the United States; and also that you take such measures and call to your assistance such military force of the United States in California as may be necessary to execute this order.

In witness whereof I have hereunto affixed my hand this 8th day of May, 1863.

ABRAHAM LINCOLN,²⁴

Another writ had been sent to San Francisco which took over Black Point, where the residence of General Frémont stood, and later the Federal Government acquired all the land of the present Presidio, which necessitated the unpleasant task of ejecting protesting squatter residents.²⁵ This land was needed for military purposes. The Government did not want the New Almaden Mine, but the Quicksilver Mining Company of New York did—very much! And thereby hangs the almost inscrutable tale of how and why Lincoln was induced to sign an order to compel the New Almaden Company, Incorporated, to turn over its land, minerals, buildings, and equipment to the Fossatt claimants, alias the Quicksilver Mining Company of Pennsylvania and New York.

The order was apparently arranged quietly. Noah Brooks, young correspondent of the Sacramento *Daily Union*, resident in Washington and a favorite of the President, had been referring to the New Almaden case before the Supreme Court in his "Letter from Washington." His Letter, which was printed in the *Union* of June 5, was dated May 8—the date the writ was signed—and yet no mention was made of the incident so important to California. Noah Brooks either had no knowledge of it, or, to use a modern term, the information was "off the record."

One plausible reason for this secretiveness (there are other following reasons which efface more of the tale's inscrutableness) was suggested by Attorney-General Bates (February 26, 1863): "Judge Swayne [who joined in the Supreme Court's minority opinions soon after] in course of conversation, dropped some hints about the New Almaden Mine case . . . he hinted at the contingent propriety of taking prompt steps to secure the interests of the government against the risk of squatters, in case the land should turn out to belong to the government."²⁶

When the adverse decision of the Supreme Court was made known in California, a telegram was received in Washington, which stated there was great danger that the Washoe and California miners would be aroused over the decision against the New Almaden Company, which had worked the mine for eighteen years; especially so, since there was a rumor that the Government might sue for all the quicksilver taken from the mine during that time.²⁷

Lincoln evidently had been, or should have been warned. In any case, he quietly signed the writ, and within two weeks his close friend, Leonard Swett,²⁸ accompanied by Samuel Butterworth, president of the Quicksilver

Mining Company of New York, was on his way to California. No mention of the visitors is found in the Coast papers until July 10, 1863, after Swett had arrived in San Francisco and had made known his mission. Then the story broke—and the storm!

U. S. Marshal Rand, preparing for the opposition which the writ anticipated, had arranged with Brigadier General George Wright to hurry a detachment of cavalry from Benicia to San Jose. Swett and the marshal were promptly refused possession by the superintendent of the mine, backed up by 170 armed men, who claimed that the writ was illegal and that the marshal and his soldiers were trespassers on private property which was not a part of the public domain. The marshal replied that he was more concerned with the execution of the writ than with its legality. Swett then expressed a desire to avoid an open fight, and sought a way to get possession of the property by more peaceful means. The pro-administration *Daily Alta California* was much concerned about the serious nature of statements current on the streets about the parties involved, and demanded a full, fair and immediate exposure. "This is no time for trifling . . . we want the facts and let the blame rest where it is most deserved."²⁹

On July 8, when Lincoln telegraphed Collector-of-the-Port Frederick F. Low about the good news of Vicksburg and Gettysburg, Assistant Adjutant R. C. Drum telegraphed from San Francisco to Colonel H. M. Black at Benicia to dispatch without delay his attachment of cavalry to San Jose prepared for active service.³⁰ Preparations for the forcible execution of the writ were thus begun. But Brigadier General Wright prudently sent from San Francisco, on July 9, the following telegram to his military chief, Major General Halleck, in Washington, the same Halleck, by the way, who was a member of the legal firm of Halleck, Peachy and Billings, which had appeared as counsel for the New Almaden Company in the lower courts:

In the present critical state of affairs on this coast, it is respectfully submitted that the President's order to take possession of the Almaden Mines be deferred for the present. If seized now great excitement will result.³¹

The President had already been apprised of the situation by the telegram from Frederick Low. On the same day (July 9), Mr. Lincoln sent in cipher, through General Wright to Messrs. Swett and Low jointly, the following message: "Consult together, and do not have a riot or great difficulty about delivering possession."³² But before Mr. Low received the message, he had sent (July 10) the following to the President:

If not already done, telegraph General Wright to suspend execution by military force in regard to Almaden Mine. No injury can accrue to the Government by delay, and the results will be deplorable if the order is carried into immediate execution. The mining interests are so large and so sensitive that this proceeding will give the secessionists every advantage. Don't, I pray you, let anything be done to involve this State in difficulty. Judge Field and General Wright concur with me in my views. Let me know your decision by telegraph.³³

On the same date (July 10), Banker John Parrott³⁴ telegraphed to his former business associate, General Halleck:

A company of U. S. soldiers is at San Jose to take forcible possession of the works—mine and private property—by order of General Wright. See the President and have the order revoked, at least until the rights of conflicting claimants shall be determined by the courts.³⁵

Without consulting the President, General Halleck, a former president of the New Almaden Company, immediately replied to General Wright at San Francisco:

I am directed by the Secretary of War to say that he has no information of any military order to take possession of New Almaden Mine. If there be any such order, it has been surreptitiously obtained. You will obey no order of this kind that does not come through the proper military channels. If you have done anything in the matter, you will withdraw and restore everything to the condition in which you found them.³⁶

Frederick Billings, ³⁷ member of the law firm of Halleck, Peachy and Billings, also interested in the New Almaden Company, frantically telegraphed to General Halleck:

... There is great excitement, and unless the mandate is revoked the State is in danger of being lost [to] the Union. The law of 1807, under which mandate is issued, does not apply until Hoffman's decision is changed. Even if it did, President should not force to get possession of a mine—the people will not stand it. If the mandate is not revoked there certainly will be great trouble. See the President and answer.³⁸

In reply, by telegram, Halleck repeated his ill-considered expression that the order had been "surreptitiously obtained." Resentful, Swett telegraphed a copy back to Lincoln. A little later Halleck's message became a heated matter of Cabinet discussion. Attorney-General Bates referred to Halleck's statement as "false," adding that "a liar ought to have a good memory."³⁹ And Secretary Welles wrote: "A singular telegram from General Halleck to his partners in California in relation to the Almaden Mine (quicksilver) was brought forward by Mr. Bates and Mr. Usher. In the opinion of these gentlemen it did not exhibit . . . right intention or high integrity on the part of the General-in-Chief. The President, who had been apprised of the facts, thought Halleck had been hasty and indiscreet but he hoped nothing worse."⁴⁰

Mr. Lincoln became fully conscious that he had lit a fire under the political pot. The following worried message from the Chief Justice of Nevada Territory made him still more aware of it:

His Excellency Abraham Lincoln,
President United States:

Virginia City, July 11, 1863

I implore you, Sir, in the name of the loyal people of Nevada, to do nothing toward taking possession of any mines on the Pacific Slope.

GEO. TURNER,
Chief Justice.⁴¹

Mr. Swett, for a personally good reason, was not ready to quit. On the 14th, he sent a long message to President Lincoln:

After full consultation with owner and attorney at mine, it was determined no actual resistance should be offered. In a short time I would have had peaceable possession, but

when your dispatch came the marshal was telegraphed that you had ordered to wait. Your order can yet be executed. If you determine to do it, telegraph me giving discretion, and I will be responsible for the consequences. If you do not think best to execute the order let the Attorney-general authorize me by telegraph to obtain an injunction and receiver. In my opinion the injunction had better be applied for. The Government owes it to its own dignity to do one of these things. I have offered the company the same terms proposed by the Quicksilver Company, and they positively refuse to do anything.⁴²

To this, Mr. Lincoln, on the 15th, made this significant reply:

Hon. L. Swett,

Washington City, July 15, 1863

San Francisco, Cal.:

Many persons are telegraphing me from California begging me, for the peace of the State, to suspend the military enforcement of the writ of possession in the Almaden case, while you are the single one who urges the contrary. You know I would like to oblige you, but it seems to me my duty in this case is the other way.

A. LINCOLN.⁴³

Swett, who probably had not yet received the above message, made one more try at President Lincoln. On the 16th, he wrote:

I am here waiting instructions. . . . I have no doubt the government ought to show, through the court of chancery, by an injunction, that it has neither tyrannically nor foolishly issued this order.⁴⁴

Meanwhile, the political pot boiled. The fear of General Wright, as expressed to General Halleck on July 15, that "designing politicians, inimical to the government, will endeavour by every means in their power to create an impression in the public mind that the tenure of all the mining interests is at the mercy of the United States Government,"⁴⁵ was realized. The secessionists and other anti-administration forces eagerly pounced on so rare an opportunity and promptly proceeded to extract all possible political profit from the situation. From the fire, they cast brands of violent resentment and anger among the miners of California and Nevada by spreading the rumor that the Almaden Mine was merely the first of all the mines to be taken over by the Government, and, as expected, those volatile individuals responded with clenched fists and sulphurous oaths. The interested parties fanned the flames they had kindled and cleverly exploited the fears of the miners and the general public.

In this crisis, Mr. Low—former Congressman and now Governor-elect—asked President Lincoln to send out a word of explanation. His suggestion was followed, on August 17, in the following telegram:

Hon. F. F. Low,

Washington, D. C., August 17, 1863.

San Francisco, Cal.:

There seems to be considerable misunderstanding about the recent movement to take possession of the New Almaden Mine. It had no reference to any other mines or miners. In regard to mines and miners generally no change of policy by the Government has been decided on, or even thought of, so far as I know. The New Almaden Mine was peculiar in this, that its occupants claimed to be the legal owners of it on a Mexican grant, and went into court on the claim. The case found its way into the Supreme Court of the United States, and last term in and by that court the claim of the occupants was decided to be utterly fraudulent. Thereupon it was considered the duty of the Government, by the

Secretary of the Interior, the Attorney-General, and myself, to take possession of the premises, and the Attorney-General carefully made out the writ and I signed it. It was not obtained surreptitiously, although I suppose General Halleck thought it had been when he telegraphed, simply because he thought possession was about being taken by a military order, while he knew no such order had passed through his hands as General-in-Chief. The writ was suspended, upon urgent representation from California, simply to keep the peace. It never had any direct or indirect reference to any mine, place, or person, except the New Almaden Mine and the persons connected with it.⁴⁶

A. LINCOLN.

This explanatory telegram from President Lincoln to the Honorable Frederick Low, together with similar statements in various newspapers, proved sufficient to neutralize the general apprehension. The San Francisco *Bulletin* of September 3, 1863, stated that "Abraham Lincoln's good sense in reversing his hasty action on New Almaden is believed to have saved the country from another serious complication in the midst of its already manifold difficulties." Lincoln did not camouflage his mistakes by shifting the blame to subordinate shoulders. He made a political error and corrected it as quickly as he could.

Unfortunately there still remained the persistent suspicion of "Wall Street" influence at Washington. In an effort to correct popular misunderstanding, Leonard Swett wrote the following letter, published in the San Francisco *Bulletin*:

Editor Bulletin.—So much misunderstanding has arisen in the public mind in relation to the intentions of the Government, in its proposed possession of the land embracing the New Almaden Mine, that I consider it proper, under my instructions, to make public the facts within my knowledge in relation to it.

It is well known that in each mining district there are local laws enacted by the miners, regulating the extent of each claim. The land and the mineral are conceded to be legally the property of the United States, but notwithstanding this ownership, the Government waives its right, and recognizes and adopts these laws as the governing law, under which valid rights are acquired. This is one class of mining title. Another class arises as follows: When this country was acquired from Mexico, the United States obligated themselves by treaty to respect and enforce private rights. To carry out this stipulation a board of commissioners was created by an act of Congress, before whom parties might present their claims to land, and whenever these claims have been finally confirmed, the United States have issued patents to the land in question. There is a distinction between the two classes of titles in this: that under the mining title, the occupant gets only an equitable share of the mineral. This system divides the mineral fairly, develops the resources of the country, offers a liberal reward to industry; and so far as I know the Government never did, and does not now propose, in any regard, to interfere with it. Under the Mexican grants the claimant gets the full amount of his claim, in violation of mining regulations, even though the claim might embrace an entire county.

While the Government cheerfully accords to every claimant the full measure of his rights under treaty stipulations, it conceives it a duty to mining, as well as all other interests, to see that no one through fraudulent claims appropriates large and valuable tracts of land, whether agricultural or mineral. In 1852, the New Almaden Company filed their petition for a confirmation to them of about 3,000 varas of land, in every direction from the mouth of their mine. Pursuant to the Act of Congress, they set forth

in their petition their claim of title which was a pretended grant from Mexico. The Supreme Court, at its last session, decided this title to be fraudulent and void.

Under these circumstances, what is expected of the Government: To say there is no distinction between a fraudulent claim, and a valid mining claim, under mining laws, is to say that the laws in any mining district may be evaded, and claimants may appropriate much more than their legal right, through pretended claims against the Government. If the holder of a large fictitious claim, retaining possession during the period of his litigation, may, when that is decided against him, still hold possession, a premium is offered to fraudulent claims; because the claim may be made as large as the party pleases, and because, when found to be fraudulent, the party may still hold it.

The policy of the Government is, as I am instructed, to resist such claims, but to recognize to their fullest extent the mining claim. To show this I quote from my written instructions from the Secretary of the Interior:

"In the discharge of the responsible and delicate trust confided to you, it is expected that it will be so conducted as not to cause it to be believed by the people of California that it is the purpose of the Government to interfere with, or forcibly dispossess miners who acknowledge the title of the United States in the mines wrought by them, but only those who set up fraudulent and fictitious titles, as was done in this case by the New Almaden Company. . . . In the event that it shall become necessary for you to execute the writ, you should be active in promulgating the views of the government as above announced, in order that its action may not cause any undue excitement, or apprehension that the rights of the meritorious class of persons who have manifested so much enterprise in developing the mining resources of California will be evaded."

It is not true that the order in question was issued by the President without a full knowledge of its contents and intention. The only fact pertaining to the case, which I think may not have been known, is that the present occupants now claim a portion of the land in controversy under the Berreyesa title. The government had no notice of such claim, because in setting forth their title under the Act of Congress, the Almaden Company only claimed under a Mexican Grant.

In contemplating possession of this mine, the Government desired that the business might be so conducted as not to stop its working. Therefore an arrangement was in contemplation with the Quicksilver Mining Company, by which, under the supervision of the Government, the mine would have been temporarily worked by them. Subsequently, I offered to make the same arrangement with the Almaden Company, through their attorneys, but it was declined.

I have detailed these facts, and given the views of the Government, as explained to me at the time of the delivery of the order, so as to remove any reasonable apprehensions as to its future course.

LEONARD SWETT.

San Francisco, July 22, 1863.

Apparently the evening *Bulletin* gave the New Almaden people a preview of Swett's article, for their able reply appeared in the next morning's *Alta* and the same evening's *Bulletin*. It began: "Editor *Alta*:—We think it proper to correct several misstatements made by Mr. Swett," and then proceeded to discuss the Supreme Court's unfavorable decision, the majority opinion briefly, and the minority opinion of Justices Catron, Grier and Swayne at more length.

It will be perceived from these extracts that Mr. Swett altogether misrepresented the ground upon which the opinion of the Supreme Court proceeded. . . .

After Mr. Swett was compelled to give up the idea of a military occupation of the mine, he called upon Mr. Billings, and in the course of general conversation, asked if the

New Almaden claimants would make an arrangement with him as agent of the government, in regard to the possession of the mine. Mr. Billings replied that the owners of the New Almaden Mine would not for a moment recognize the right of the Government to interfere with them by agents any more than by soldiers; that the mine has been judicially declared to be upon private property, and that no concessions could be made to Mr. Swett, nor any conventions entered into relating to the possession of the mine. After this Mr. Swett remarked that he had instructions to turn the mine over to the Quicksilver Mining Company, under certain conditions, and added, generally, that he was ready to enter into some arrangements with the New Almaden Company. He gave, however, no details of any arrangement and only made the general proposition after his military attempt had failed.

The arrangement with the Quicksilver Mining Company was made before Mr. Swett left New York. He came out to put it in force and to give possession to that Company whose President, Mr. Butterworth, was here to receive it. His proposed arrangement with the New Almaden Company was never made except in general terms, and it looks very much like an afterthought, suggested only for effect, when it was known it could not be entertained.

Mr. Swett asserts that the Government in these proceedings was influenced by a desire to protect the miners of California against fraudulent mining claims, derived from the Mexican government. Did Mr. Swett or the President know how small would be the sphere of their benevolence, considering that Castillero's case presents the only instance of a mining title acquired under the Mexican Government and that the only miners over whom this protective aegis was to be raised, was a Wall Street Company, represented in San Francisco by its president, Mr. Butterworth?

We cannot credit Mr. Swett with much sincerity in this statement. On the contrary, we believe that the warrant was obtained from the President to subserve the private interests of an adverse claimant (The Quicksilver Company, incorporated in Pennsylvania, and of which Mr. Butterworth is President;) and we will add, that long before Mr. Swett appeared on this coast, armed with the president's warrant, we were informed on good authority, and believe, that Mr. Swett held a large interest (as much as 3,000 shares) in this adverse Company, into whose possession the mine would have been placed if Mr. Swett had succeeded in wresting it from us. And we believe that Mr. Swett still holds that interest.

We are also informed that while the matter of this warrant was pending before the President, who was strongly urged not to issue it, he finally referred it to Mr. Swett, his former law partner, intending to be guided by his advice; and this was done while Mr. Swett held his stock in the Quicksilver Mining Company. We believe the President was ignorant of Mr. Swett's interest as he was of the existence of the Berryesa title. But we do not believe that Mr. Swett was ignorant of either fact, when he advised the President to issue the warrant, or when he delivered it to the Marshal to be enforced.

We have thought it proper to confine ourselves in this statement to correcting the misrepresentations of Mr. Swett.

As to the real Almaden Mine, we cannot for a moment doubt that it is well understood that the name, influence and power of the Government have been obtained and used, not for the benefit of the public, but exclusively to further ends of private adverse claimants, represented on this coast by Mr. Samuel Butterworth, under whose orders Mr. Swett has been acting.

EUSTACE BARRON
WILLIAM E. BARRON.

San Francisco, July 23, 1863.

In any case, what the *Bulletin*, in a lengthy, fair-minded editorial (July 23), called "The Foiled Attempt to Steal a Mine," proved correct. The Quicksilver Mining Company of New York did not gain possession of the mine, as intended, even though it had won its fight in the courts. It was forced by public opinion—and Barron, Forbes and Company—to a compromise, which consisted in the purchase of the New Almaden Company and all its assets for \$1,750,000 by the Quicksilver Mining Company (August, 1863).⁴⁷ The New York corporation thus acquired 405 permanent improvements and nearly 8,000 acres of rich mineral land—an active working plant with an opulent future, for the price of a year's average yield.⁴⁸ The compromise was satisfactory to the Government, provided that its rights were reserved, Lincoln telegraphed to Swett (August 19).⁴⁹

Referring to the judgment of the Supreme Court, H. H. Bancroft, the California historian, declared that "three of the judges dissented from what was undoubtedly an unjust decision."⁵⁰ In his recent thesis on the history of the New Almaden Mine, Dr. Leonard W. Ascher concludes that "... the disposal of the New Almaden Title Case was an outstanding example of injustice and error. . . . Such utilization of the power of the government by one claimant to defeat another is perhaps unparalleled in the history of American jurisprudence."⁵¹

All of which brings us back to the part played by President Lincoln, who doubtlessly knew nothing of the merits of this scrambled case or of the equity of the decision. Unpleasant questions can be asked by those who still resent the now universal acclaim of Lincoln. Many wild assertions were made at the time concerning the manner and circumstance in which his signature was obtained to the writ drawn up by his Secretary of the Interior. That his close friends, Leonard Swett, Ward Hill Lamon, and others in Washington, were financially interested, was then generally suspected. Certain California newspapers loudly voiced their charges. The *Bulletin* said that among the parties originally interested in the Fossatt Claim were Black, Stanton and Walker—"debris of the Buchanan administration that was inherited by the succeeding administration." "The Quicksilver Mining Company scattered its stock widely and yet judiciously." It named ex-Associate Justice Curtis, certain prominent officials and Senators as "equally happy" and "all interested in the Fossatt Claim" and "all [political] friends of Lincoln."⁵² The *Bulletin* and *Alta* were conservative, pro-administration papers. One can imagine what angry frothings appeared in the anti-Lincoln papers.

When practical, Lincoln liked to grant favors to his friends. Believing that everything was correct and in order, as he unquestionably did, was he too trustful, too busy, or too harassed to think it necessary to give this writ his usual careful examination? He may not have appreciated its importance in the light of possible serious consequences, for he evidently failed to think the thing out to its logical conclusion as was his intellectual habit. We have come

to believe that Lincoln never did anything hastily, yet in this case he apparently did. Lincoln thought, spoke and acted slowly, and on the whole made remarkably few mistakes. His reputation for wisdom is just as axiomatic as his reputation for honesty; so when he is found to have made a mistake, it becomes "news," especially so in the light of the following:

A famous old triumvirate in Illinois politics was Lincoln, Davis and Swett. The two latter were largely responsible for the nomination of the former at Chicago in 1850. Judge David Davis sat on the bench of the Eighth Illinois Circuit, while Lincoln and Swett traveled with him. Lincoln appointed Davis as an Associate Justice to the United States Supreme Court in 1862. He made Swett his confidential agent in 1860—sent him East to feel the pulse of the people before the election.⁵³ Swett went to Washington and remained there with no apparent official position or income. He later became a very successful Chicago lawyer and achieved a reputation of being one of the greatest and most brilliant of Illinois lawyers, as well as that of an honorable, upright and cultured gentleman.⁵⁴

Like many brilliant, honorable and cultured men, Swett, as he himself expressed it, had "become pretty eager to accumulate a competency [which was] more desirable than debts or Congress."⁵⁵ When Justice Davis heard that Swett had gone to California, he wrote to their mutual friend, General William W. Orme, "I don't understand it. He has given up his Peru Mission. He is crazy to make money and he makes money but wastes it, fritters it away. What a strange man."⁵⁶

Two weeks after Lincoln signed the writ, Leonard Swett was in New York on his way to California with Samuel Butterworth. He wrote to General Orme, his former law partner of Bloomington, Illinois:

William W. Orme
My dear friend,

New York, May 23, 1863

I sail for California this morning. I go there employed by a Corporation here to endeavor to settle some litigation in the Supreme Court of United States. They will pay me \$10,000 in any event. If successful, they will pay me a large conditional fee. . . .⁵⁷

Swett remained in California, with his mind on the compromise and the "large conditional fee." With the case still in the Supreme Court for final survey decision, Swett saw opportunities to speculate in the stock of the Quicksilver Company.⁵⁸ By the fall of 1863, he was back in Washington and plunged heavily into the stock market.⁵⁹ With his knowledge of the affairs of the company, his official contacts, and his friendship with Jeremiah Black, whom Lincoln had appointed reporter of the Supreme Court, he felt but little of the usual hazards. He dealt principally in shares of the Quicksilver Mining Company—going short, long, and sharing in pools. He was "acting in concert," he wrote, "although not in partnership with the Financial Committee of the Company."⁶⁰

The "concert," however, did not avail. All of Swett's inside information and

well-laid plans failed. History repeated itself. Swett wrote to General Orme, his partner in stock speculation, as well as in law:

... I intend to come home and practice law ... and rather practice with you than any other man. ... I cannot say just when. ... The panic tore me terribly and I am trying to get over its effects. As soon as I can do this I want to come and eschew politics and settle down. I regard the life of a lawyer as much more respectable and happy than any other I can lead. ...⁶¹

It is said that Swett lost \$30,000 in his quicksilver stocks.⁶²

In all the published letters of Lincoln and reminiscences of his contemporaries, there is found only one item—yet sufficient—to indicate that cautious Mr. Lincoln learned another little lesson in cautiousness. When crippled General Daniel E. Sickels, of Gettysburg fame, for whom President Lincoln would have liked to have granted a favor, sought the President's help in a California land case of his own, he received the following careful response:

My dear Sir,

Washington, D. C., August 22, 1863

Your note and brief about the California land claim are received. The question presented is a property question, with which I do not think I should meddle as a volunteer. It will save me labor, therefore, if you will first point me to the law which assigns any duty to the President in the case. This done, next send me a reference to the treaty, and all the statutory law which bears upon the case.

Yours truly,

A. LINCOLN⁶³

This letter, which reposes in dusty desuetude in the *Complete Works* of Lincoln, takes on a new and droll significance when considered as written just five days after his long message of explanation to Frederick Low. Also, instead of returning to his law practice, Swett planned to recoup at Memphis, Tennessee, trading Northern stores for Southern cotton, a business racket that eventually became a Civil War scandal. "Lincoln has a dozen times solemnly promised me ... certain permits ... exclusive privilege" (October, 1864). During December, Lincoln was still promising, and during February of 1865, Swett was still without his cotton permits.⁶⁴ Remembering but never sacrificing a friend once trusted, Lincoln merely promised and promised! And Swett, who had done much for Lincoln, had good reasons to state a few years later that Lincoln was a great trimmer—not of principles—but of men.⁶⁵

Finally, there is no doubt that the real opposition to the New Almaden grant came not from the Government but from the Quicksilver Mining Company of New York. That it used the servants of the Government for its own purposes, is a fair conclusion—even to taking "their interests into the lobby of Congress," attempting to "mine the Cabinet," and using "the President's fingers to rake their chestnuts out of the fire."⁶⁶ The *Washington Chronicle* copied a statement from a Baltimore paper that Judge Black received \$20,000 for arguing the great Almaden case in the Supreme Court. It wanted to know who paid this sum, since he was arguing ostensibly for the Government. "Were private parties allowed to contest their rights under the shield of the government and in its name and by a man who was also receiving a government

salary as Reporter of the Supreme Court? Will somebody answer these questions? We will give room for a reply."⁶⁷ And there are Swett's letters in proof of his dual rôle as secret agent for the eastern corporation while ostensibly acting as agent for the Government. All of which makes an explanation of Lincoln's signing of the writ of dispossession (which he must have been warned against) somewhat difficult.

The *Alta* and *Bulletin*, excited over "the outrage," pointed no finger at President Lincoln, rather they praised him for his "good sense" in promptly reversing his writ. The New York correspondent for the *Bulletin* wrote in his "Letter" of August 8, 1863, "... outside of the immediate circle of speculators whose interests are adversely affected by the President's 'sober second thought,' there are few people who do not approve of the reversal ... the fact being so apparent that his good nature had been imposed upon by interested parties. ... *The World* in an article on this subject: 'The country has just escaped a fresh and very considerable peril in California ... [and calls attention to the] necessity of dealing most delicately and justly with the peculiar interests of that remote and powerful state ... [which has been] already tempted by topographical and political reasons for a political career of its own.' ..."⁶⁸

If there is one outstanding characteristic of Lincoln that is undisputed, it is his simple innate honesty. If study of the man or his career in Washington reveals any one great ideal, it is his strong singleness of purpose to save the Union, motivated by the inner flame of disinterested patriotism. All his acts, wise or unwise, all his moves on the political checkerboard, were predicated on that passion. Though he possessed an unusual number of admirable traits of character, he was a very earthy man of the homely earth. So it becomes just another tribute to Abraham Lincoln to add that an attested, factual explanation of how and why he signed that writ is as unnecessary as it is difficult.

Lincoln was adamant in every large purpose, and flexible in many small ones. He was a great executive because he yielded here and there to smooth the way toward his greater objectives. In his anxiety over gravely important affairs, he permitted himself to be guided by trusted friends in comparatively minor ones; and if, in doing so, he could grant a favor or please a friend, he was inclined to do it. The anti-administration hounds were always alert and pointing, and any laxity in personal integrity on the part of Lincoln would have been exposed to the same publicized exploitation in Washington that his connection with this New Almaden affair received in California.

NOTES

1. Walter W. Bradley, *Quicksilver Resources of California*, Sacramento, 1918, p. 156.
2. *Ibid.*; J. M. Hutchings, *Scenes of Wonder and Curiosity in California*, New York and San Francisco, 1870, p. 186.
3. They were principally Antonio Suñol and Louis Chaboya; Bradley. See also Note 4.
4. *The United States vs. Andrés Castillero, Transcript of the Record*, Vol. I, p. 413, in testimony of Antonio Suñol.

5. George Tays, "Captain Andrés Castellero, Diplomat," in California Historical Society *Quarterly*, Vol. XIV, No. 3, September 1935; *U. S. vs. Castellero* (see Note 6).
6. *U. S. vs. Castellero*, Vol. II, pp. 1103-4. The story of the discovery is described in the testimony of Jacob P. Leese. In Vol. I, pp. 571-72, is another concise description.
7. *U. S. vs. Castellero*, Vol. I, pp. 77 and 83, pp. 628-50, in testimony of Antonio Pico.
8. Copies of many title abstracts, claims and suits, transcripts and other records in the New Almaden archives at the Senator Mine give some indication of the many men and their heirs who craved a portion of the elusive quicksilver. This mine, the last to be worked on the New Almaden Company property, is about two or three miles from New Almaden.
9. Ascher (see Note 51); records at the Senator Mine detail the "various hands," such as Grove C. Cook, Knowles Taylor, John B. Gray, R. J. Walker, John W. Middleton, R. P. Stockton and others. The most prominent was R. J. Walker, one-time Secretary of the Treasury, U. S. Senator from Mississippi, Governor of "bleeding Kansas," and financial agent in Europe from March, 1863, to November, 1864, for the Government, and one of Lincoln's consultants. He was in Europe during the Almaden affair.
10. *U. S. vs. Castellero*, Vol. I, p. 376, testimony of Henry Laurencel. James Eldredge was president of the Quicksilver Mining Company from November, 1863, to April, 1864. (Records at Senator Mine.)
11. George C. Gorham, *The Life and Public Services of Edwin M. Stanton*, Houghton, Mifflin and Co., N. Y., 1899, Chapter IV (hereafter referred to as Gorham).
12. Sacramento *Daily Union*, February 9, 1863, in "Letter from Washington" (hereafter referred to as *Union*).
13. *Diary of Gideon Welles*, Houghton, Mifflin and Co., N. Y., 1911, Vol. 1, p. 371.
14. Gorham.
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. Alston G. Field, "Attorney General Black and the California Land Claims," *Pacific Historical Review*, September, 1935, p. 243.
19. Gorman.
20. *Ibid.*
21. *Union*, January 5, 1863. "Letter from Washington," dated December 16, 1862. Stanton's fee in the Limantour case was \$25,000; total of \$39,715 in salaries and expenses for himself and two assistants for one year's work.
22. Gorham; *U. S. vs. Castellero*, Vols. V and VI (Ascher, see Note 51).
23. New York *Tribune*, February 13, 1861, p. 4.
24. *Evening Bulletin*, San Francisco, July 14, 1863 (hereafter referred to as *Bulletin*), "The New Almaden Proceedings," by C. C. Peachy and C. Temple Emmet.
25. *Bulletin*, July 11, 1863.
26. *The Diary of Edward Bates 1859-1866*, edited by Howard K. Beale, Washington, D. C., 1933.
27. *Union*, March 11, 1863; *Union*, April 9, 1863, "Sensation on the Pacific Coast," following the Supreme Court Decision in "Letter from Washington," dated March 13, 1863.
28. Letters of Leonard Swett to his law partner, General William H. Orme, of Bloomington, Illinois. Copies and photostats generously loaned to author by Dr. Harry E. Pratt, of Bloomington, Illinois, during January, 1935 (hereafter referred to as Letter).
29. *Daily Alta California*, July 11, 1863, p. 1 (hereafter referred to as *Alta*).
30. *Civil War Records*, Series I, Vol. L, Part 11, p. 514 (hereafter referred to as *War Records*).

31. *Ibid.*, p. 515.
32. *Ibid.*, p. 515.
33. *Ibid.*, p. 516.
34. American consul at Mazatlan, Mexico, in the early forties; advised Admiral Jones to seize California at start of Mexican War; banker and capitalist of San Francisco in the fifties. H. K. Beale, in *The Diary of Edward Bates*.
35. *War Records*, p. 517.
36. *Ibid.*, p. 518.
37. A young lawyer, who came from Vermont to California in 1849, acquired wealth and political power, and later was president of the Northern Pacific Railroad. H. K. Beale, *The Diary of Edward Bates*.
38. *War Records*, p. 519.
39. *Diary of Edward Bates*, p. 303-4.
40. *Diary of Gideon Welles*, Vol. 1, p. 397-98.
41. *War Records*, p. 518.
42. *Ibid.*, p. 523.
43. *Ibid.*, p. 524.
44. *Ibid.*, p. 524.
45. *Ibid.*, p. 524.
46. *Ibid.*, p. 574.
47. *Bulletin*, August 28, 1863; *Alta*, August 29, 1863; records at the Senator Mine.
48. "Real Estate and Improvements," MS at the Senator Mine.
49. *War Records*, p. 524.
50. H. H. Bancroft, *History of California*, Vol. VI, p. 551.
51. Leonard W. Ascher, "The Economic History of the New Almaden Quicksilver Mine 1845-1863," MS deposited in the University of California Library, May 19, 1934.
52. *Bulletin*, July 23, 1866, in "The Foiled Attempt to Steal a Mine."
53. Herndon's *Lincoln*, and in all biographies of Lincoln.
54. Dr. H. E. Pratt, and other responsible Illinoisians.
55. Letter, dated March 26, 1864.
56. Letter, dated May 30, 1864, from Justice David Davis to General Orme. Swett had been appointed a Commissioner to settle some Peruvian difficulty.
57. Letter, dated May 23, 1863.
58. Comment of Bates on the survey decision before the Supreme Court (Feb. 24, 1864): "A number of Wall Street and other speculators in Fossatt stock were present and eagerly watching the efforts of counsel, who like bulls and bears on the exchange were pawing up and tearing down their fancy stock," *Diary*, p. 339.
59. Letters, dated January 27 and 28, 1864.
60. *Ibid.*, dated March 26, 1864, written on stationery of the Executive Mansion.
61. *Ibid.*, dated May 19, 1864.
62. *Diary of Edward Bates*, p. 339: "... I hear that Swett of Ills (who made the shameful arrangement about the mine last year) in contentently [sic] sold out his stock at a loss of 30,000. Note: It is clear now, that I acted prudently in waiving all Mr. Swett's efforts to get employed in the case."
63. Nicolay and Hay, *Complete Works of Abraham Lincoln*, Gettysburg Edition, Vol. IX, p. 90.
64. Letters, dated October 2, October 9, and December 14, 1864, and February 13, 1865.
65. In a letter addressed to Wm. H. Herndon, in Herndon's *Lincoln*.
66. *Bulletin*, July 11, 1863, editorial. Black received \$120,000 (Alston G. Field).
67. *Alta*, April 21, 1863.
68. *Bulletin*, September 3, 1863, in "The President and the New Almaden Business."



Dr. S. M. Miles

John Rose

Charles Covillaud

PIONEER CITIZENS OF MARYSVILLE

THE BEGINNINGS OF MARYSVILLE

By EARL RAMEY

PART III

MARYSVILLE BECOMES A CITY

AS EARLY as August 16, 1850, Taylor called attention to an "Act to provide for the Incorporation of Towns" which had been passed by the first State Legislature. This act provided that any town with a population of over two hundred might present a petition to the County Court and by that authority be declared an incorporated body politic. This sort of corporation was to be governed by the qualified voters. The editor urged that the community take advantage of this law and establish the necessary power to secure order, cleanliness, and improvements for the town. But there was little or no response to this suggestion, the residents being preoccupied with commerce, squatters, the Field-Turner affair, State elections, etc., and for four months no move was made.¹

By the first of December, after the first heavy rain had fallen and navigation had resumed and the streets and levee were too muddy to allow business traffic, there was a sudden resolution to form a city. A public meeting to consider the matter of incorporation was called to be held December 3. But by this time Taylor had bigger plans for the city than those outlined in the act referred to above. In an editorial which appeared the day the meeting was called, he argued that, inasmuch as a period of twenty days' notice to the court was required and that some time would be needed to secure the required signatures to the petition, it would be a good plan to instruct their representative in the assembly to introduce a bill to provide a special act of incorporation more precisely "suited to the wants of the place." But he urged that, in view of the "miasma arising from impurities" which were being cast into the streets, the "rainy season just commenced" which would make the streets impassable and "drains and ditches necessary to carry off the superfluous water," and "various nuisances about town which could be abated only by the rigid scrutiny of officers," some definite step be taken towards a city organization.

Gabriel N. Swezy presided over the meeting of December 3, and Alfred Lawton, B. F. Henderson and W. Wilson Smith served as secretaries. A committee to draft resolutions was appointed and included Alfred Lawton, R. H. Taylor, John T. McCarty, James Cushing, John C. Parks, J. O. Goodwin, and C. S. Kasson. Addresses by McCarty, Cushing, Taylor, S. B. Mulford, Colonel John Mitchell, Dr. D. W. C. Rice, Dr. W. S. Pierce, John Jewett, Edwards Woodruff, and J. O. Goodwin brought out a unanimous desire for some sort of organization, but the eternal Field-Turner friction was present. McCarty,

knowing the intentions of Taylor and others to try to secure, through Field, a special charter, counseled delay and more consideration, favoring rather incorporation as a town. But Taylor urged immediate action and decision, and wished the committee to retire and bring in resolutions for the approval of the meeting that evening. After others had expressed indifferent opinions, Goodwin made the climaxing address of the evening. He recalled the rapid growth, which would in a few weeks make a town organization useless, and concluded, "Let's have a city charter from the start." Whereupon the applause indicated that his proposal was the popular one. Two days later, at another meeting, the committee recommended that a charter should be sought direct from the legislature. They were instructed by the meeting to draft a special act to be presented for approval at a later meeting.

December 17, at a meeting over which H. P. Haun presided, Taylor read the draft of an act to provide for a "charter for the city of Marysville and a petition to the legislature praying that the charter be granted." The draft provided for a mayor and council type of government, to be empowered to regulate conventional city affairs as well as peculiarly local conditions. There was not a great deal of opposition, although some voiced the protest that the corporation was needlessly complicated and set up authority which would inevitably necessitate high rates of taxation. The petition was readily signed, however, by the owners of the greatest amount of property, including J. M. Ramirez, whose signature was near the top. The draft and petition were entrusted to Stephen J. Field, to be presented to the assembly which was to convene the following January.

Assemblyman Field introduced "a Bill to Incorporate the City of Marysville" on January 20. The bill was passed by the assembly five days later, was sent to the senate, where it was passed January 29, and was signed by the Governor February 5.² Obviously there was no appreciable opposition, and only minor and technical changes were made in the draft as drawn originally by the committee. The district, incorporated as "The Mayor and Common Council of the City of Marysville," was to be bounded by a line "commencing at high water mark on the southern bank of Yuba River, at a point one mile east of the public Plaza, and running thence north two miles; thence west to Feather River; thence south following Feather River to high water mark on the southern bank of Yuba River; thence east along the southern bank of Yuba to the place of beginning." There were to be four wards, each to have two members on the council.

The peculiarly local powers given the council had to do with that section of the Yuba River which was included within the city limits. The city government was empowered to keep the channel free of obstructions, to establish wharfs and to collect wharfage taxes and fees, to operate or to let the right to operate ferries, to build or to let the right to build a bridge, and to regulate the traffic and rates of both the ferries and the bridge. The other powers

granted the council were ordinary, though as complete as if the city had had a population of one hundred thousand.³

When the editors of the *Herald* received the information that the act had been passed by both houses of the legislature, they anticipated the Governor's approval, and on February 4 proclaimed that Marysville was a city, adding, "Where stood a year ago but an uninviting adobe house, and where then the population was composed of a few swarthy Californians and greasers save the holders of the ranche which was thought only useful for grazing purposes, now stands the Queen City of Northern California. . . ." ⁴ After calling attention to the election which the County Court would call the first Monday in March, according to the special law, the following good counsel was given:

We have before us, two lamentable examples of that lack of true public spirit which can alone place the city finances, and consequently all the ramifications of its government and prospects, in a prosperous and healthy condition. San Francisco and Sacramento City have been recklessly plunged into debt and plundered by the very men selected to guard their interests. . . . Let us avoid what other cities of California have fallen into. . . . The only way in which we can accomplish this, and avoid onerous taxes and unnecessary burthens, is by a careful choosing of men for office. . . . We sincerely hope that no man or clique, or party, will attempt to draw the line between Democrats and Whigs. . . . Neither party can make nor ought they try to make, any political capital out of a local election here. . . . We desire to see the city of Marysville go on prosperously to that proud position among the cities of California, which we have ever predicted as her "manifest destiny."

The campaign was formally opened (also in anticipation of the Governor's approval of the charter) by this statement from the editors:

To Candidates—The terms of announcements for City offices are and will be until election one ounce payable invariably in advance. We shall be prepared to print any required number of election ballots, for which we shall also expect the pay strictly in advance. The reason for this announcement is that, in anticipation of the election last fall, we made announcements and printed tickets for various persons, from whom we did not exact immediate payment, and we lost money by the operation. In some instances we did not ask our due until after election, and we became satisfied that defeated candidates don't like to pay election bills.

James Cushing announced himself candidate for the office of mayor, and "the numerous friends of Doct. S. M. Miles" proposed his name as candidate for the same office. Some days later, Adam T. Farish entered as a third contestant "at the earnest solicitation of many friends and acquaintances."

"Many friends" persuaded B. Tallman, C. S. Kasson, Dr. D. W. C. Rice, Francis L. Aud, and E. S. Peck to become candidates for the office of alderman. John G. Smith and G. N. Swezy announced their own candidacy. R. H. Taylor not only announced his candidacy, but gave voters a kind of fair warning in these words: "If elected, I shall never accept under any circumstances, a salary or compensation in any shape (not even a medal!)" ⁵ for my services as a member of the council. I pledge myself to nothing; if elected, my fellow citizens must take me as I am. As to my views in reference to City policy, they will probably be known previous to the election." He was not elected.

At the first municipal election, held March 3, "there was considerable stir and excitement, but everything went off peaceably and amicably." As a result of one of the few changes in the charter made by the legislature, there were only 521 votes cast—fewer than had been cast in the State elections of October. It had been provided that only those citizens who had resided one year in the State and six months in the town were eligible to vote for municipal officers. Obviously these limits caused many really permanent residents to lose their franchise. The first amendment to the charter passed by the legislature the following May lowered these qualifications to six months and thirty days, respectively.⁶

The three candidates for mayor divided the votes fairly closely. Dr. Miles, the victor, received 193, Cushing, 174, and Farish, 154. The eight successful aspirants for alderman were L. W. Ransom, S. C. Stambaugh, F. Shaeffer, B. Tallman, J. G. Smith, D. W. C. Rice, S. C. Tompkins, and Chas. Covillaud. The unsuccessful candidates not already mentioned above, but whose names were "written in" by admirers, were Edwards Woodruff, Jos. F. Garwood, Elias Garst, J. B. Bigelow, W. C. S. Smith, and P. C. Rust. Taylor, who received only twenty-eight votes, warned his victors that, having been defeated, he was "perfectly free to find fault with the council as he pleased" and that if they did not keep themselves straight he would be down on them "like a duck upon a June-bug." The council countered at its first meeting by electing him to serve as its clerk.

At the first meeting of the council, held March 10 in the County Court House, after electing L. W. Ransom to be president, the aldermen heard Mayor Miles's inaugural message. The Mayor warned against excessive taxes and debts, and called attention to the existence of trading boats which competed with merchants, but which paid no tax of any kind. He recommended wharfage and license fees to be charged all boats docking within the city limits. He recommended that the council clear the Yuba of obstructions, establish a police service, and organize a fire-fighting department equipped with suitable apparatus. The council took no definite action at this meeting, other than to appoint standing committees and to fill the several city offices provided in the charter. Lewis Cunningham became treasurer, B. S. Olds, assessor, F. J. McCann, attorney, and Albert Miller, marshal.

The council was not long in passing some of the desired ordinances, five of which were passed March 18 and published two days later. No fire department was organized, but hazardous conditions were forbidden, and certain precautions were required, such as buckets and barrels of water in each building. An ordinance to "prevent and abate nuisances" required the removal and disposition of dirt, filth, slops, offal, garbage, and other offensive matters by occupants and owners of all houses. The problem of "speeding" was met by an ordinance which provided that "no person shall ride or drive any animal through any street, lane, or alley of the inhabited part of the city

below Fourth street, at a faster rate than an ordinary trot under a penalty of not more than fifty nor less than five dollars for each and every offense." Fighting, quarrelling, and drunkenness were made crimes against the city peace and order, as was the discharging of fire-arms below Fifth Street.

The wharves and landings received the most minute attention of the council. The city marshal was to serve as wharf-master, and he was empowered to carry out the following regulations: He was to keep the landings in good order and the levee free of obstructions; to collect special storage fees on goods left on the levee more than three days; to keep the whale-boats and other non-steam crafts away from the space reserved for steamboats; to prevent the sale of goods on the levee; to collect traders' licenses from boats on which goods were sold; and to regulate by order the position of all vessels at all times. Fees to be collected varied from four dollars for vessels of less than ten tons, thirty cents per ton for crafts of over ten tons, fifty dollars per month for a trading boat, to twenty-five cents per hundredweight for goods stored on the levee. And finally, the marshal was to be made alert by a commission of ten per cent of all fees and fines which he could collect. A few days later began a series of ordinances to provide revenues.

The young city government met with the first mass resistance in the frontier settlement when, on April 8, there was passed an ordinance "to promote the better observance of the Sabbath." It was provided that "no merchant, trader, or other dealer shall expose or offer for sale or deliver any goods, wares, or merchandise in any store, street, or alley of this city on the Sabbath day . . . except provisions for immediate wants and feed for animals. . . ." And it was further provided that bar-rooms might not open, or games of chance be played, or theatrical performances, horse races, or concerts be held. The first Sunday (April 13) when the ordinance was in effect, a large train of packers arrived from the mines, ignorant of the closing law. These packers wished to organize their cargo for an early departure Monday morning. Certain merchants opened their stores and supplied the train. As for the saloons and gambling places, they closed doors, but closed in many patrons. The next day "quite a number of hombres were hauled up and fined for violations of the Sunday ordinance."

A great amount of dissatisfaction resulted from the Sabbath ordinance. The editors had to steer a middle course; so they commended the council for passing the law, but doubted the possibility of enforcing it, because, as they remarked, "the people in this fast country do not seem to be prepared for a movement of this kind." And they declared with certainty that the provision regarding the sale of liquors could never be enforced. "People who drink at all, will drink on Sunday as well as any other day, and they will always find men ready to sell them liquor . . . It is all very well to compel bar-rooms to be closed, but it is very easy for the doors to be closed on a party of drinkers as well as upon an empty room, and we don't know but we would prefer to see

men drink openly rather than covertly. We consider this part of the ordinance entirely nugatory." At the next meeting of the council, April 15, the Sabbath ordinance was repealed.

The council was a fairly diligent legislative body, but its executive efforts were largely fruitless during the first half of the year. An ordinance designated sidewalks of ten feet, and ordered that they be kept free. Haystacks were prohibited near buildings. A refuse dump at the foot of Eye Street was designated. And bids for grading the levee, clearing the Plaza, and draining "E" street by means of a storm sewer were called for, as were bids for fencing the public burial ground. A physician, sexton, surveyor, engineer, assessor, and wharf-master for the city were appointed and given orders and commissions.⁷ In view of all of the provisions and actions of the council listed above, one would expect to find a very progressive small city, but the records indicate that very little of the plan was put into effect before July.

The first complaint from the editors came on May 3, in an article headed:

The Condition of the City—We would respectfully call the attention of the proper officers to the filthy condition of portions of our city. There is no necessity in our pointing them out. Everybody "nose" where they are. The effluvia arising from them, if not removed must certainly produce ill health, during the extremely hot weather which has commenced and which will continue for a long time.

There are innumerable annoyances to the after-dark pedestrian in the shape of barrel hoops, which are ever and anon springing up and soundly whacking his shins, and occasionally tripping him into nearly a prostrate position. There is a huge stump of an old tree in the Plaza which has often proven a "stumbling block" after nightfall, to many who are not acquainted with its exact latitude and longitude.

In many places there are goods piled up on the sidewalk to such an extent that there is scarcely room for two persons to walk abreast, without imminent danger of tearing their clothes and flesh by protruding nails. We believe there is an ordinance of the council on the subject of obstructions to sidewalks, etc. Why is it not enforced?

On May 22, the editors remarked that, "We have heard several complaints of dereliction of duty on the part of the City Marshal. It is said that the marshal has stood by and seen unprovoked attacks made upon persons without interfering or attempting to make any arrest. We heard of a case occurring on Tuesday evening, in which the offending party was actually urged on and provoked by the marshal from whose condition at the time in fact nothing less could be expected. . . ." Here is one clue to the reason why the ordinances were often unenforced.

June 12, the sidewalks were again the subject of a complaint: "It is perfectly disgraceful to see the condition of our streets and sidewalks, crowded as they are with all sorts of boxes, barrels, and rubbish. It is quite unsafe after nightfall to walk on either side of the Plaza, for the passage way is cluttered up so as to make it exceedingly dangerous. Our Council should see to this immediately. . . ." But the most heated denunciation came June 17 from a subscriber who signed himself "Citizen":

. . . Allow me to call your attention to the conduct of our City Council, and to tell you a little what they have done and what they have left undone . . . they draw pretty well monthly for granting of various licenses and not badly day by day from steamboat tolls and ferry percentages. They have therefore funds in hand, but how do they spend them? They have neglected to grade the streets; to make a single sewer; and with the river running by the city have done nothing to supply us with water. They allow all kinds of obstructions to exist in the streets. The Plaza and Front street are positively disgraceful and quite a by-word to people from cities below. Each store keeper seems to vie with his neighbor in making as much display with his empty and full packages and casks as he can, as if purchasers were to be gulled by such nonsense as this into the belief of extensiveness of stock on hand or business done. They have appointed a paid city physician to look after the health of the city and yet the streets have never been watered, but all kinds of stinking nuisances exist, and every kind of filth is thrown into them and left to decompose and putrify, so as to give this city physician and his brothers work to cure the fevers which must arise therefrom. They have done nothing on the public levee for the better debarcation of goods and passengers from the steamers. They have as a body done nothing for the removal of the snags in the river, although it is their duty, their most imperative duty to do so. . . .

At the end of the first quarter, which ended July 1, the Mayor could report a surplus of \$2600 in the treasury, a sum of \$4,000 having been collected from fines, fees, and licenses. But, besides the activity of collecting this money and the passage of a series of ordinances, the government had only two deeds to its credit. The burial ground had been fenced, and the streets were being watered daily by a sprinkling cart. It has been noted that the selection of marshal was probably unfortunate, a fact which would partially account for the failure to enforce laws. But in addition to this condition there is evidence that there existed appreciable resentment against the new city government and its taxes and regulations. The one year of nearly absolute freedom and informality which the merchants, and even professional men, had enjoyed was valued in spite of certain discomforts from mud and filth. And the one year was sufficient to breed a stubborn individualism even in men who had grown up under stricter municipal governments.⁸

WHIGS AND DEMOCRATS

It was stated that Taylor declared the *Herald* independent of party politics when he established his paper in August, 1850. This action was natural, because independence, or rather non-partisanship, was a popular illusion in California at the time, the illusion having been created by more or less sincere declarations from leading politicians to the effect that the affairs of California were above party platforms. And Taylor maintained from time to time that affairs in Marysville and Yuba County were of such general interest as logically to supersede party politics, which were already brewing in the State in spite of the many virtuous declarations. The first city election was held without reference to parties, but a few days after the new municipal government was inaugurated, the following short notice appeared in the advertising section of the *Herald*: "Attention Whigs! The Whigs of Marys-

ville are requested to meet at the office of James Cushing, Esq., on Saturday evening at 7 o'clock. A general attendance is requested. Many Whigs!"⁹

At this meeting of March 22, L. W. Ransom served as chairman and Dr. S. T. Brewster as secretary. A committee to draw up "an address to the Whigs of Yuba County" consisted of H. P. Watkins, John C. Fall, S. B. Mulford, J. O. Goodwin, S. T. Brewster, J. T. McCarty, F. W. Shaeffer, Edwards Woodruff, A. T. Farish, James Cushing, D. W. C. Rice, J. V. Berry, W. C. S. Smith, A. D. McDonald, S. T. Watts, C. C. McLeod, Parker H. Pierce, J. L. Eaton, and W. W. Smith. This address, a lengthy condemnation of "Locofocoism," charged the Democrats with having seized the government of the State under the guise of "no party," and having corrupted the government generally. They held the Democratic "spoilsmen" responsible for bankruptcy and lynch law. The Whigs of Yuba County were invited to send delegates to a county convention, to be held in Marysville in April, for the purpose of effecting a party organization with the ultimate view of presenting a ticket in the State elections to come in the fall.

Up to this point, there is no evidence that Taylor and Massett were active with the Whigs. April 1, they printed a long letter signed by "Californian" reprimanding the Yuba County Whigs for their extreme address. And on April 5, they recommended Judge Haun as a suitable person to succeed Judge Turner, whose removal was anticipated, although they denounced Governor McDougal for usurping the function of appointing G. N. Mott to the position after the legislature had transferred Turner to Trinity County. Later, April 19, they saw fit to publish a long editorial in which they reaffirmed that "the principles of Whiggery and Democracy have no applicability to the affairs of our young State," and that "as yet we have seen no reason to forsake our ground as an independent journal." But in this same issue appeared a notice which read, "The democrats of Marysville and vicinity are requested to meet on Wednesday night next (23rd inst.,) at 7 o'clock at the Marysville Hotel. . . ."

At the first meeting of the Democrats, Dr. S. M. Miles presided, Colonel John Brophy was named vice-chairman, and Dr. W. S. Pierce served as secretary. H. P. Haun, George Rowe, and R. B. Buchanan drew up an address to the Democrats of Yuba County. These partisans were urged to perpetuate the "Democratic faith"—the views of those who had "gained California":

To all true Democrats we say come! Come from the river beds, from the gulches, the deep canyons, rugged mountain tops, and smooth vallies. Come from whence or wherever you may be. Come! Come! Rally around the Democratic standard, on which is inscribed in characters of unfading glory, the mighty names of Jefferson and Jackson, names that have served you and your fathers, as watchwords in the darkest days of federalism and against the corruptions of banks and moneyed corporations. Our opponents in advance of us have charged you and us with treason and crime and seem sure of victory. Rally again as in days of old—against those who advocate or abandon banks or tariffs at pleasure, and rebuke their high sounding pretensions and aspirations.¹⁰

The meeting resolved to hold a county convention at Parks Bar, May 10, and the following persons were named as delegates from Marysville: S. C. Tompkins, Dr. R. H. McCall, E. R. Locke, Mr. Sartwell, Hugh Kennedy, Thomas Nugent, Lewis Cunningham, Charles Ellett, H. P. Haun, E. D. Wheeler, George Rowe, J. G. Smith, Dr. E. B. Hand, John Loud, M. Rafisch, R. A. Haskins, Charles Lindley, Mr. Sargeant, J. F. Thompson, Colonel J. S. Kirkpatrick, Judge Bright, John Parks, W. H. Sampson, José M. Ramirez, R. B. Buchanan, James Shondon, Charles F. Fairfax, W. Barton, Samuel Simmerley, Charles Covillaud, William Ford, John Rose, F. J. McCann, G. N. Swezy, John Amy, L. W. Taylor, Z. Hawkins, M. Pixley, Joel Burlingame, Charles W. Sherman, James Smith, R. M. Foltz, John Keller, George M. Bronk, Dr. J. W. Warfield, Colonel J. D. Winter, J. H. Adams, Colonel John Brophy, Dr. S. M. Miles, and Dr. W. S. Pierce.

On May 3, the editors commented on the fact that the tide of party politics had set in, calling attention to the activities of both Whigs and Democrats throughout the State. They recognized that the people wanted parties, and that parties wanted to be, and would be, represented by the press. Whether they should abandon their independent course, they said, was a matter which "circumstances in the early future" would determine. Massett probably wrote the editorial referred to above, because, on the same day, Taylor was attending a meeting of Whigs at Parks Bar, at the home of James Nash, and even served on the committee to draw up resolutions. May 10, there appeared in the *Herald* a notice signed by David Jobson, who proposed to establish a tri-weekly paper in Marysville, to be called the *Yuba Telegraph* and to be "devoted to the interests of the Democratic Party."¹¹ In the next issue, of May 13, appeared a definite statement of alliance. The *Herald* was to be "henceforth devoted to the interest of the Whig Party in California." There is evidence that the two editors really disliked to make the decision, which they admitted was inevitable. They declared they had an easy choice, because they have "ever been attached to the principles of the great Whig party of the United States, as expounded by Henry Clay and Daniel Webster." But the following excerpt indicates that these pioneer Whigs and Democrats had enjoyed their environment of common cause and interest free of Eastern politics, which had only an affected significance: "Personally many of our warmest friends are in the Democratic ranks, and our only regret in throwing off neutrality is that it involves the necessity of opposing them as the embodiment of principles; as individuals we sincerely hope it will open no chasm between us."

The campaign of June, July, and August, 1851, was lively, not only in Marysville, but up the Yuba River as well; but it was primarily a county affair, although much of the action took place in the city. The results of the State election in September are, however, of interest, because they indicate a condition similar to that which existed in the election of 1850, when the

town and diggings gave opposite majorities. In 1851, the Whigs cast 426 votes, against 316 Democratic ballots in the city of Marysville. But when the votes from the entire county were counted, the Democrats had 2507, and the Whigs 2295. The most plausible conclusion is that the Democrats had in their ranks the veteran campaigners, while the merchant-Whigs of Marysville were not campaigners for votes.

THE COMMITTEE OF VIGILANCE OF 1851

During the general movement towards extra-legal penal institutions in California in the spring and early summer of 1851, Marysville took up the "fad" and organized a committee of vigilance. It is the opinion of the writer that the accepted explanation of "vigilance" in San Francisco cannot safely be applied to similar institutions of the smaller towns, and especially to that formed in Marysville in June, 1851. It is true that this local committee was patterned after that of San Francisco, yet conditions were not the same in the two places, and the activities of the committee on the Yuba were far more restrained and conservative than were those of the Bay organization. A brief statement of those incidents which might have set some precedent for, or caused some need for extra-legal action should preface a discussion of the Vigilance episode.

On August 31, 1850, a young man named John W. Mills, of New York City, was shot through the heart and killed on "D" Street by a person named John Keiger. This murderer surrendered voluntarily to a deputy sheriff, who placed him in confinement under guard, there being no jail at the time. Several witnesses had seen what was apparently a deliberate murder, and as the description was passed along, the citizens became indignant. The verdict of the coroner's inquest was murder, and the prisoner was remanded for examination the following day. In the evening about two hundred persons met to consider the case. Many favored forcible seizure and lynching, but the majority were willing to compromise by placing a supplementary guard over the prisoner to insure against his escape. Twenty guards went to the place where the murderer was confined, but Sheriff Buchanan would not allow them to enter and assume positions near the prisoner. The guards stood watch outside the building and guarded both the prisoner and the five deputy sheriffs. Another group, who feared a lynching party, tried to persuade Judge Turner to hear the case that evening, without the preliminary examination. But the Judge declined, because the code gave him no such authority. At the hearing the next morning, Keiger confessed that he shot Mills in a fit of anger, because the latter refused to pay him wages due him for labor he had performed in the diggings of the Maine Mining Company, of which company Mills was a member. Justice Ellett committed him for trial. Since it was not safe to try to confine him in Marysville, he was taken to Sacramento and confined in the prison brig of that city. This incident indicates

that the authorities were efficient, and that they were supported by a majority of citizens.¹²

January 19, 1851, a negro was caught stealing some mackerel from the store of Eaton and Babb on the Plaza. The unfortunate culprit was seized and promptly punished, without resort to courts. The editor was somewhat upset by the incident, and, although he did not openly denounce the lynching, he remarked ironically that he had nothing to say about that sort of justice excepting that "the African was intoxicated when he committed the theft."

In a letter written from Downieville, a correspondent, "Mac," described a lynching in that place. One William Heppel Robinson had been caught stealing his partner's "tin" and had been committed by the alcalde. The next day he was taken from confinement by the "'great unwashed,' fairly tried, convicted, and presented with a 'first rate notice' well put on with 'a feline quadruped o'nine caudal appendage.' " The writer warned that this derelict was on his way to Marysville, to practice "where punishment is more slow, and not so sure." To this last statement the editor replied as follows, in a footnote: "It requires no ghost come from the grave, to tell us this last fact —Ed."¹³

No other examples of lynch law in the city of Marysville during this period are on record, although several from the county were reported.

June 7, a "sydney thief" was lashed at Condemned Bar, and many incidents of lynch justice were reported from the lower mines, all of which served to keep the institution before the attention of the Marysville readers of the *Herald*.

A few days after the fire of May 3, in San Francisco, there appeared in the Marysville *Herald* this notice: "Citizens, Attend! We have been requested by several citizens to give notice of a call for a meeting at the United States Hotel at 8 o'clock this evening for the purpose of organizing a patrol to guard the city against incendiarism. All are interested in this matter, and we hope to see a full attendance and prompt and energetic action."¹⁴ Whether or not this invitation met with response, we cannot know; there is no record of any further action. Even if the patrol was effected, it very probably merged with the Committee of Vigilance the next month.

At a meeting of the city council held May 16, Alderman Ransom offered the following resolution:

Whereas, Information has been received justifying the belief that a number of evil-disposed persons are in this city plotting against its peace and welfare, therefore Resolved, That the City Marshal be instructed to use all possible diligence in the arrest of any person or persons against whom any suspicion of crime exists. Adopted.¹⁵

But crime was not rampant in Marysville. If it had been, there would have been more adverse criticism in the *Herald*. The several criticisms of the marshal have been noted; but this official was expected to administer local ordinances and collect taxes, more than he was expected to serve as a peace officer. Serious crime was a problem for the county sheriff and township constables.

There are no complaints regarding the actions of Sheriff Buchanan and his deputies, although there was always impatience with court procedure, the result of technical privileges which the lay person could neither comprehend nor tolerate. Probably the most annoying phase of law enforcement was the several escapes which prisoners contrived during the first half of 1851. The brick jail which had been built in 1850 proved to be inadequate, and was rebuilt into an oak log edifice, the walls of which were resistant, but the lock of which was manipulated several times by persons both inside and outside. On the night of June 2, Deputy C. C. McLeod was tempted to be off guard from twelve to two o'clock, during which time the prisoners opened the door, ten of them escaping. Popular indignation was a result of this incident, and Sheriff Buchanan could only excuse himself by declaring that he had given the deputy strict orders "never to leave the jail without a guard." A facetious editor remarked that evidently the deputy had obeyed orders and had taken the guard with him. The editor did not see fit to censure the officers for this escape; he held the absence of a jailer's residence responsible, and hoped that a similar "mocking of justice" would not be possible after the warden's quarters, which were then under construction, were completed.

In the San Francisco papers (*Herald* and *Alta California*), on June 14, 1851, appeared an invitation from the Committee of Vigilance of San Francisco addressed to the "Citizens of California," stating that if the order-loving portion of the several smaller cities of California, including Marysville, found it necessary, they were invited to form themselves into committees of Vigilance, not only to maintain order within their own districts, but to "correspond with each other so as to be able to mark and notice the movements of all disorderly or suspicious characters."¹⁶ The word "Sydney man" was as frightening in 1851 as communist is in 1936. The devastating fires in San Francisco were suspected by many to be the work of these Australian immigrants. There were even rumours of threats made by them to resort to incendiarism as a means of revenge for certain persecutions. This invitation from San Francisco and the fear of the Sydney criminals were probably the chief causes of the organization of the committee in Marysville.

The first steps towards organization were taken about June 18. The first notice appeared in the *Herald* of June 21, in the following short and significant statement:

Give 'em Hemp—The principal merchants and business men in this city have organized themselves into a Committee of Vigilance, for the better protection of their property; and they intend to inflict such summary punishment for crime, when the proof is clear against those who commit it, that Sydney convicts and others of that ilk will perceive in the air of the place something so poisonous to them, that they will leave for climes more congenial to their natures and dispositions. This move seems to be called for by the sternest necessity. We have many bad men among us, and their number seems to be continually augmenting. They will now understand that the community is aroused in reference to them, and that if they are caught at their villainous practices the citizens intend to give 'em hemp.

Another characteristic of the movement in Marysville which distinguishes it from that of San Francisco is the fact that it was a Whig activity, whether or not it was so designed. There were a few known Democrats who were members, and not all known Whigs were in the committee. But invariably the leaders were Whigs, and a large proportion of those members whose politics can be determined were Whigs. This fact ought not be surprising if one recalls that the Democrats, headed by Haun, Buchanan, Wheeler, Miles, Rowe, Fairfax, Swezy and others, held the county offices, while the Whigs were for the most part out of office. Consequently the Whigs were free to take up the popular idea, whereas the "law and order" Democrats could not encourage it without discrediting their own leaders in office, whose negligence and inefficiency were held to have created the need for extra-legal force.

At the first meeting, held in the Court House, A. Maurice, Jr., was named temporary chairman, and William K. Sherwood served as secretary. A committee to draft a constitution was appointed, and a document was presented to a second meeting on June 24. Officers for July were John H. Jewett, president, Colonel J. V. Berry, secretary, and John C. Fall, treasurer. The covenant, signed by all the members, (never more than 127) read:

Whereas, the citizens of Marysville, believe that the present organization of society and administration of laws, are inadequate to the security of life and property. Therefore the citizens whose names are hereunto attached, do unite themselves into an association for the maintenance of the peace and good order of society, and the preservation of the lives and property of the citizens of Marysville. And do bind ourselves, each unto the other, to do and to perform every lawful act for the maintenance of law and order; and to sustain the laws when faithfully and properly administered but we are determined that no *assassin, thief, burglar* or incendiary, shall escape punishment either by the quibbles of law, the insecurity of prisons, or the carelessness, corruption, or laxity of those who pretend to administer justice. . . .¹⁷

To carry out the object of the association, a room was to be maintained as headquarters, where a guard would be kept night and day to receive alarms of crime being committed, and to call general assemblies for action. If the crime was serious, the committee would "either aid in the execution of the laws or the prompt and summary punishment of the offender." A set of rather rigid by-laws was adopted, determining procedure for the members in carrying out their duty and objective. Attendance at meetings was compulsory, as was guard and patrol duty whenever a member was designated. A triangle was kept for signals to call emergency meetings. Squads were to patrol all sections of town each night to apprehend any suspicious appearing individuals. A committee of five members, who served one-week terms, was to meet all boats and stages and to intercept all "notorious or suspicious characters on board and unless they can present to said committee evidence of good character and honesty, they shall be sent back to the place from whence they came notifying the civil authority or C. of V. of that place of our action." A room above Long's Store was leased to serve as headquarters.

There is no evidence that the Committee of Vigilance was the product of

hysteria. Had there been a tendency toward rash and radical action on the part of these self-appointed peace officers, such an impulse would surely have been sobered during the first few days of July, because there developed a case of criminal procedure which nearly left an indelible blot on the record of the city and county as agents of justice. In order to connect this case to the immediate topic it is necessary to turn back some months.

On December 7, 1850, Charles E. Moore was found dead, having been murdered and robbed near Dobbins' Ranch in upper Yuba County. Near the body were some articles of merchandise which W. W. Dobbins, who kept a store at his ranch, recognized as goods which he had sold to a distinguished appearing trio of horsemen, one of whom was known throughout the Yuba diggings as "Jim Stuart." Thomas Broadwater, a partner of Moore, took up the trail of the suspects and followed them through Marysville to Sacramento, where Stuart had been arrested for burglary and was being confined in the prison brig. Broadwater was not able to persuade the officials of Sacramento to send Stuart to Marysville to stand trial for Moore's murder. While the deliberations were going on, Stuart escaped.¹⁸

On the evening of February 19, 1851, C. J. Janson, a merchant in San Francisco, was assaulted and robbed by two desperadoes, who took \$2,000 from his safe. The following day two Englishmen were arrested and charged with the crime. One of the prisoners was identified as Stuart, or "English Jim," as he was called, the supposed murderer of Moore at Dobbins'. This prisoner not only protested innocence of both crimes, but declared he was not Jim Stuart but Thomas Burdue. After some narrow escapes from lynch-mobs, "Stuart" and his companion, Robert Wildred, were convicted of the assault on Janson. "Stuart" was sentenced to fourteen years in prison, but was sent immediately to Marysville in March to stand trial for the Moore murder.¹⁹

On March 20, the alleged English Jim was taken from the jail at Marysville to Foster's Bar to undergo preliminary examination before the township magistrate on the charge of murder. After stating these details the editors added:

Rumour intimates that Judge Lynch will preside at the examination; but it is to be hoped that if he is committed for murder, he will be returned to our jail, which is a good one, where he will remain till our court sits, which will probably not be many weeks. Then if found guilty we wish to see our Sheriff do the honors upon the occasion under the sanction of the law and to the satisfaction of the public.

A two-days' examination was conducted before Judge O. P. Stidger at Dobbins' on March 21 and 22, and the prisoner was committed to trial in the District Court. In April, Taylor paid him a visit in his cell and made the following comments: "On entering the cell in which Stuart was confined, the prisoner took off his hat, and appeared extremely subdued and quiet. He was heavily ironed.—He said that he had been suffering from an attack of fever, but felt considerably better. He looked extremely pale, and evidently seemed to feel the hopelessness of his situation."

The English prisoner was obliged to lie in jail until June 27, when his case came before Judge G. N. Mott in the District Court of Yuba County. J. O. Goodwin was the district attorney, and Charles H. Bryan, counsel for the State. F. L. Aud and R. S. Mesick were counsel for the defendant. Some difficulty was experienced in securing a jury. Ten persons were challenged, and thirty excused themselves by admitting prejudices. Curiously, only one member of the Committee of Vigilance was challenged, while ten members were excused by the Court for prejudices, and only two were accepted as jurors—R. H. Taylor and E. W. Inskeep. Massett declared that “a greater farce . . . was never enacted in any theatre . . . Men who stated that they had not formed or expressed an opinion were peremptorily challenged . . . and hosts of men said they had formed an opinion, merely, as we believe, to get themselves excused. . . .”²⁰ The trial lasted six days, during which time a large number of witnesses were examined. There was no direct evidence that the three suspected men were guilty, and there was no direct evidence that Jim Stuart was one of these. But these two conditions were assumed, and were not contested by the defense. The defense depended upon proving that the prisoner was not Stuart, and all witnesses were examined with that object in view. Consequently the decision to be arrived at by the jury was whether or not the prisoner was Stuart; if he was, he was guilty. The witnesses were about equally divided; some identifying the prisoner as “English Jim,” some as another man. The jury deliberated twenty-four hours, during which time they “came in twos or threes for instructions” on their duty in case of reasonable doubt. They were told that if they entertained reasonable doubt, they were to find for the defendant. But the verdict was guilty. The defense demanded that the jury be “polled.” All jurors answered guilty when their names were called, until the name of J. D. Arthur was called. This honest and naïve citizen stated that “he had a doubt still lingering with him as to whether the defendant was ‘Jim Stuart’ or not, and stated that all the jury doubted, but he did not believe he had a ‘reasonable doubt’ and therefore he would agree to the verdict.”

As for the prisoner, the editor said:

All this time, while this solemn ceremony was going on, the defendant sat perfectly still, manifesting not the slightest trepidation or excitement. We could not notice the least change of a muscle in his face, and we must say that the appearance of his face was far from being that of a hardened villain listening to the fiat deciding his fate, for his countenance was mild, calm and serene. Not a word was spoken by the defendant or his counsel, save to make the request that the jury be polled. The defendant being ordered to be remanded to jail, came forward with his usual firm step to receive his handcuffs, when he was immediately conducted to prison to await his sentence. Mr. Aud informs us that he called at the jail about two hours after he had been put in, and when he came to the door, the defendant extended his hand to him, and then to Mr. Messick, and with tears in his eyes he thanked them kindly for having defended him in the manner in which they did; then with his hands clenched and upturned towards Heaven, he protested his innocence in the most solemn manner; remarked that if he were to be given one million

dollars, and sent out of the country free, he could not say where Mr. Janson's store was in San Francisco; and that he was innocent of the murder charged against him. He remarked that death had no terrors for him any longer, that he was ready, perfectly ready to die, and wished to be executed right there and then. He said he had been seized in San Francisco as Jim Stuart, and came near being hung there for a thing he knew nothing of; that he had been cursed, hated, and madly abused, till all friends had abandoned him, because they were actually afraid to render him any little assistance or comfort, for fear of being insulted, mistreated, and suspected of being Sydneyites, etc. He said all he wanted done for him was a letter written to his poor wife in Sydney informing her of his ill fate, and that she would inform his father in England. We understand that sentence would have been pronounced this day (Tuesday) but for the fact that information has come to town through an authentic source that the genuine Jim Stuart has been arrested at San Francisco and is now in the hands of the Vigilance Committee. Mr. Aud has taken a deputy sheriff with him and has gone to San Francisco, and if it shall prove true that the veritable Jim Stuart is taken, and that this is not him in our jail, now found guilty, we will have another trial of another man for the murder of Charles E. Moore. . . . By Wednesday evening Mr. Aud will return from below and we shall learn from him facts as to the "genuine Jim Stuart."

During the first few days of July, the Committee of Vigilance of San Francisco proved to its satisfaction that it had captured the genuine Jim Stuart; consequently certain members were concerned for the safety of Burdue then being tried in Marysville. Captain Hartford Joy was sent to this place to try to stop further action in the Burdue case. Through Captain Joy, the San Francisco Committee requested the Committee at Marysville to assist in saving the unfortunate Englishman. But the Committee at Marysville instructed John Jewett to reply that "'James Stuart, alias Thomas Burdue' had been found guilty on Friday, the fourth, and awaited sentence on Monday; that the Committee was firmly convinced of his guilt, was determined to see due punishment inflicted, and was not at all inclined to allow a postponement on account of the capture just made in San Francisco."²¹ But things were moving rapidly, and, fortunately, before ordinary procedure allowed Burdue to be hanged at Marysville, the San Francisco Committee had incontrovertible proof of Stuart's identity; and by July 8, the master criminal had made a confession which ended all doubt.

For just what purpose Mr. Aud took with him to San Francisco a deputy sheriff, we do not know; but if he had hoped to be able to bring back the real Stuart he found his deputy superfluous. The San Francisco Vigilantes hanged Stuart on July 12, thereby denying Yuba County the opportunity to try him for the murder of Moore. A droll fact is that in desperation Stuart made a bargain with his captors which indicates his relative opinion of the Vigilance Committee and of the District Court of Yuba County. He agreed to give details in his confession which would allow the Committee to prosecute his confederates, and the Committee agreed to turn him over to the officials of Yuba County, where apparently he felt he would be in safer hands. But the confession did not satisfy the expectations of the Vigilantes of San Francisco; they declined to keep their promise.

Much credit is due Taylor and Massett for their editorials during these critical days from July 6 to 12. Stuart had confessed his guilt for the Janson assault, but he omitted any reference to the Moore murder; therefore many persons in Marysville held that while Burdue clearly was not guilty of the San Francisco crime, he could well be guilty of the murder; and that was the crime for which he had been found guilty. But on July 15, in a long discussion in which they went into all phases of the baffling case, the editors wrote:

It cannot now be fastened upon Burdue. How much reliance is to be placed upon the confession of Stuart, we are unable to determine, but certainly, his not confessing the murder is very poor proof that this man Burdue murdered him. . . . We presume that . . . a new trial will be granted to Burdue. Justice and humanity both seem to require it, and in God's name, let justice be done; let it not be said that Burdue shall suffer the extreme penalty of the law if he be innocent, even although he be that (to many) loathsome being—a Sydneyite, and although he may be guilty of other offences.

Burdue was retried, in Marysville and San Francisco, and acquitted of both charges.

The definite cases with which the Committee dealt, and of which any record is left, are few. The first case came to their attention June 20, a day or two after the initial steps of organization were taken. An unnamed resident resorted to physical force—whipping—in disciplining his wife. Apparently this crime was not held as serious as destruction of property or life, because the matter was dealt with more or less informally and by a crowd which “generously put him on probation, promising him however that should they discover that he again attempted the same offence, they would be down upon him ‘like a thousand bricks.’”²²

On June 25, four Mexicans engaged in a knife fight on the street. One of these men, against whom the others were fighting, received such serious wounds as to make his death probable. Members of the Committee arrested two of the attackers, examined them, and found conclusive proof against them; “but upon a cool and dispassionate review of the whole case, they determined not to inflict punishment on them, not deeming it a case in which they were warranted to proceed. They therefore handed them over to the authorities.” At a meeting following this incident, however, it was determined to make a complete census of the city, and to keep a record of the name and occupation of everyone. Those parts of the city where there might have been any reluctance to give the desired information were to be watched. July 1, one John Murray complained that he had been followed by some men who frightened him and from whom he ran; whereupon he was fired at. His followers were a vigilance patrol, who ordered him to leave town. He protested that he was innocent of any wrong and was known to persons in the city. But Murray received little comfort from the editors, who, after reporting the case, simply advised “all persons who are not pursuing any legitimate business, either to get into some respectable business, or leave. . . .”

The following quotation from the minutes gives an example of a special case which arose:

At a special meeting of the Vig. Com. held at the committee room on the afternoon of July 12th A. D. 1851. The Committee were called to order by the Pres. Mr. Steinhart made a complaint and stated that a highway robbery had been committed. Resolved That a committee of three be appointed to investigate the facts, whereupon the chair appointed Messrs. Williams, Taylor & Packard said committee. The committee retired and in a few minutes reported that the persons charged with the robbery were in the custody of the regular constituted legal officers. Report accepted. On motion Adjourned until tomorrow Sunday afternoon at 3 o'clock P. M. John V. Berry Secretary.

On July 16, the Marysville Vigilantes accomplished their most spectacular and most important single feat. They captured James Burns, alias "Jimmy from Town," and William Hays, both former members of Stuart's criminal "gang." These prisoners were taken to San Francisco and turned over to the Committee of that city.²³ But the minutes and the newspapers do not record any other particular cases, with the exception of two incidents which will be noted later because they occurred past the period now under consideration. The minutes of August indicate that the members were becoming tired of the rigid self-imposed discipline. Many failed to attend meetings, others failed to serve as patrols, or excused themselves, and some asked permission to withdraw. At the last recorded meeting, only fourteen members were present. In October, a standing committee of ten was empowered to conduct the affairs of the organization and to deal with all problems at its discretion.²⁴

The only open opposition to the Committee of Vigilance of which we have any record was an address of Henry Haun before a public meeting about the 15th of August. We have no record of his exact words, but his remarks provoked Taylor to offer the following resolutions at a meeting of the Committee held August 19:

Resolved That we have heard with pain and regret the sentiments expressed by Judge H. P. Haun in a public meeting on Monday Evening in reference to Vigilance Committee.

Resolved That this Committee will never lend its aid to any men or set of men for the purpose of unorganizing established government or nullifying the laws.

Resolved That our aim and object is to create order in society and not to foster anarchy and confusion.

Resolved that the above resolutions be published.

In a report made in August, the grand jury of Yuba County rather condoned the Vigilance movement in general by denouncing the evils which had made necessary extra-legal action and by implying that the evils were inevitable.²⁵

Besides the absence of leading Democrats, there is a noticeable absence of legal practitioners on the committee. While this absence indicates clearly an objection, the objection might have been the result of either economic interest or professional idealism or both.

The two cases referred to above concluded the activities of the Vigilantes in 1851. In October, Andrew Goodwin asked the San Francisco Committee

to help him recover his niece, Mary Lye, who had fallen the victim of panderers. The uncle had traced her to Marysville, where she was known to be an inmate in a house of prostitution. It is difficult for us to understand why the Vigilantes had not discovered this child, as she is referred to, although her exact age is not recorded. If she had been in the city during July, the census takers surely would have noted her. One suspects that these reformers of the fifties were not so much repulsed by white slavery as by theft and murder. However, when Stephen Payran came as agent from the San Francisco Committee, he was accompanied by members of the Marysville organization to the "house." When the girl was demanded, "Those who detained her were at first very boisterous and very menacing, but the threats were disregarded and the child was brought off and restored to her delighted relatives." According to a later narrator, the girl was escorted to the boat by a guard of armed miners, because Payran had been warned that certain interested persons would try to recover her.²⁶

The final exercise of vigilance was the result of a series of gruesome murders. November 9, near Miner's Ranch south of Bidwell's Bar, the bodies of a Mr. Gallagher and his Negro servant were found. They had been murdered and dragged by a lariat from a horse. The murderers were tracked as far as Kentucky Ranch in Yuba County, where it was learned that four well-dressed Mexicans had dined but had continued southward. Two days later, near Natchez, a mining settlement on the Honcut, were found the bodies of Andrew Jinkerton, John Gardner, and George Mather, who had been stabbed and also dragged from horses.

The trail from Kentucky Ranch led in the direction of the second murder; so the two crimes were attributed to the same four Mexicans, who were trailed further south to a point five miles north of Marysville, where the trail was lost. By November 13, the pursuing posse arrived in Marysville with the details, and Sheriff Buchanan took over the case. He knew very well that these criminals, if they were the Mexicans, as was being assumed, would be found in the famous "Sonorian Camp," a rendezvous for renegade and outcast Latin-Americans on the west bank of the Yuba opposite Linda. With Isaac Bowen, the constable, Buchanan went to the camp at night. Leaving their horses at some distance, they approached, hoping to be able from the dark outskirts to spy their men in the light of the several fires. The officers were detected by a dog, which they killed, but only after a general alarm had roused the camp. A sentinel ordered them to halt and to retreat. Realising their disadvantage, they complied, but while they were getting over a fence, the "Sonorian" began firing, and Buchanan was hit by a bullet, which went into the back and out through the abdomen. Bowen helped him to the road, where a passing carriage was hailed, and he was taken to Marysville. Dr. Miles gave little hope for his recovery.

The standing committee called a general meeting of the Committee of

Vigilance, whose first act was to arrest several Mexicans who were known to have inhabited the camp. They were held on suspicion and for questioning. One of these suspects decided to talk, after being frightened by a mock lynching threat. He was roped and hoisted several times, whereupon he verified the assumption that a band of outlaws was at the time inhabiting the camp. There was no alternative but to invade the camp, but after many members found various excuses, only a small posse could be assembled for an immediate expedition. The Treadwell Hardware Company opened its supply of rifles and ammunition for the posse, one part of which went to the camp, the second part going to Linda to prevent a retreat across the river. The conduct of the Vigilantes on this occasion does not do them credit, according to our traditional standards of performance. Even though they might have patrolled the city streets on dark nights, they were reluctant to invade the thickets of chaparral and advance in the face of armed desperadoes who had not hesitated to kill five men and to try to kill two officers. After much rationalizing, they wisely decided to guard the edge of the camp and the south bank of the river to prevent the escape. The bandits, if they were ever there, readily escaped by going up the river and across and southward.

The Committee remained in session in Marysville, however, and took up the work in a more strategic manner. They arrested other inhabitants of the camp and, learning that the bandits had moved to Sacramento, sent two agents to that city.

These agents, after several days of observation, chose four Mexican patrons of the El Dorado Saloon, which quartet, at the request of the agents, was arrested by the police of Sacramento. They were Antonio Flores, Henrique Artraya, José Pera, and Carlos Camplido, all well known in Sacramento. Many of their acquaintances protested and offered alibis, and even the authorities were reluctant to make the arrests. But the agents of the Committee were insistent and demanded that the prisoners be sent to Marysville.

During the month of December, while the removal formalities were purposely delayed, many persons in Sacramento became indignant, and were convinced that innocent men were being accused. Also they felt that the prisoners had a poor chance of securing a fair trial in Marysville. The editors of the Sacramento papers expressed publicly their dissatisfaction, as did private individuals in letters. The City Recorder went so far as to liberate one of the four prisoners, who was suffering with tuberculosis and whose alibi was accepted. The fact that in July of the same year, Marysville had been the scene of a nearly tragic miscarriage of justice made these doubts and fears doubly reasonable. But when the editor of the *California Express* remonstrated publicly with the authorities of Sacramento and accused them of deliberately setting free a murderer, the matter became a question of pride and honor between the rival cities.

Marysville was finally victorious and removal papers were signed. On

that, why does it not succeed in
sale?
Ans—Because he cannot retail
them

WHIGS ATTENTION!

There will be a meeting of the Whigs of Marysville on Tuesday evening, 20th May, at the St. Charles Hotel, for the purpose of nominating a candidate for City Recorder.

By order of the Committee. 2t

NOTICE.

By Hon. H. P. House on Thursday, 16th May, 1851, in this case, Mr. Justice Haralot to Mrs. Magdalen's libel.

NOTICE.

Public Worship, every Sabbath, at the Court House, at 10 o'clock, A. M., and 7 P. M., conducted by Rev. W. W. Brier. Residence on D street, between Fifth and Sixth.

MARINE REPORT.

Arrived.

14th—Fashion, Vail
15th—Benicia, Seave major Tompkins,
Moore, Capt. Sutter, Gray, Linda, Tren-
dergast.
16th—Niger, Hunt.
ALBERT MILLER, Wh'f master.

THEATRE!

Corner of Second and High sts., oppo-
site Tully's Hotel.

Opening of the "DRAMATIC"

First Night of the Season!

Dr. ROBINSON would respectfully
announce to the citizens of Marysville that
he will present for their amusement on Mon-
day evening, May 19th, the following enter-
tainment.

Monday evening, May 19th, 1851 will be pre-
sented the first performance of a dramatic character
ever given Marysville, called the

PLEASANT NEIGHBOR.

Christopher Wray, Dr. Robinson.
Mr. George Howard, Mr. Herwood.
Thomas, Mr. Fairchild.
T. A. R. Smith, Mr. Madison.
Vance Burp, Mr. Messinger.

Parties to which an
Opening Address.
written by H. A. Taylor, Esq. will be spoken by
Dr. Robinson

To be followed by a beautiful **MEDLEY DANCE**
by Miss Josephine

Song by Miss Clarence

Comic Song, Fairchild

Yankee Story, Dr. Robinson.

The whole to conclude with the laughable farce
entitled

THE SPOILED CHILD.

Little Pickle, Mr. Messinger.
Old Pickle, Mr. Vinson.
Lag, Mr. Fairchild.
Tromps, Mr. Edwards.
Miss Pickle, Mrs. Madson.
Margery, Miss Clarence.
Barnes, Miss Josephine.
Marie.

Doors open at 7 1-4, performance commences at
8 o'clock

Admission, private box and Parquette, \$2. Pat \$1

SAMUEL BRANNAN,

Candidate for Governor,

Subject to the Democratic nomination,
april 1st

Post Office, Marysville,
May 14, 1851.

The Post Office at Eliza has been
discontinued, and the letters transferred to
this Office by direction of J. M. Goggin,
Esq., Sp. Act. P. O. Department.
It JAMES CUSHING P. M.

BROOKS & Co.

(Late of Sacramento City)
**Auctioneers &
Commission Merchants.**

First Street, opposite Peckard & Co.
MARYSVILLE.

SALES every other day. Liberal
advances made on consignments. Partic-
ular attention given to sales of real estate.
All goods sold at our auction. **WARRANT.**
P. O. no sale my17my

to collect the debts due to the firm of
Co. and will settle all claims against said
firm. **HENRY VIDEAU**
my 17 my

HALF WAY HOUSE!!!

John Wilt

WISHES to inform his friends and
the public generally that he con-
tinues business at the old stand, and has erect-
ed a new and fine building. And that his is
the original Half Way House to Park's Bar.
No other house has any right to assume the
name of Half Way House, and he consid-
ers the attempt of an individual who calls him-
self Dennis Casey, to injure his business by
assuming the same name for his house, as
unwarrantable and ungentlemanly.

JOHN WILT,
my17 1m Half Way House

Flour.

THE subscriber having made ar-
rangements for a constant supply of
Chil's Flour of the Conception and San Cris-
tobal brands hereby gives notice to the Trade,
that he is prepared to supply them at San
Francisco prices, adding only cost of trans-
portation. P. KOBARTSON,
Large store next to the steamboat hotel
Marysville, 15th May, 1851. my101

Stephen J. Field,
**ATTORNEY &
COUNSELLOR AT LAW.**
Office on 2d street, next door to Ford & Good-
win's oil stand.
MARYSVILLE. my1310t

SCHAFFER & ELSASSER,
WHOLESALE AND RETAIL DEALERS IN
**DRY GOODS, CLOTHING,
BOOTS, SHOES,
DOMESTICS, &c.**
Corner of First street and the Plaza.
MARYSVILLE.
Orders from the mines particularly attend-
ed to. my16m

Notice.

I HAVE this day disposed of my en-
tire interest in the firm of Caver, Hill &
Co. to my late partners, J. Bryant Hill, John
C. Barr and George Friggs.

M. L. CAVERT
The undersigned will continue the business
under the name and style of HILL & CO.
J. BRYANT HILL,
JOHN C. BARR,
GEORGE FRIGGS
my16t

J. Wot Ayres,
**THE
Dental Operator,**
CAN be found at the City
Drug Store, fully prepared to perform any and
all kinds of Dental Operations in the most
improved and satisfactory manner.
Ladies attended at their residences.
Satisfactory reference given
Marysville, May 14. my 15 my

My Wife.

ELIZA has left my bed and board
without any just cause or provocation. I
forbid all persons harboring her or trusting
her on my account, for I will not pay any
debts of her contracting.
ANDREW OSWALD.
May 14th, 1851. my16 t

Marysville Stable.

NOTICE.

THE undersigned have opened a Liv-
ery and stock stable on E street, in rear of
Wheeler, Tager & Co. The public can al-
ways find buggy and saddle horses on hand to
hire. Also horses kept on livery at most mod-
erate terms. Particular attention paid to sel-
ling and purchasing stock.
my13 1f **WM W. NORDECAI & Co.**

MAYOR'S OFFICE, MARYSVILLE,
May 9, 1851.

The City Physician having designat-
ed the foot of I street as a suitable and
convenient position for the deposit of
all dirt, filth or other offensive matter,
notice is hereby given to all persons in-
terested that the ordinance entitled an
ordinance to prevent and abate nuisan-
ces, passed by the Common Council
March 18, 1851, will hereafter be strictly
enforced.
may10-5w **S M MILES** Mayor

December 17, a large delegation of citizens gathered at the U. S. Hotel, the stage terminal in Marysville, to receive the three frightened prisoners in custody of deputy sheriffs of Yuba County. The sight of the Mexicans provoked some members of the crowd to propose a speedy lynching party. The prisoners were taken safely to jail, but the rumbling in the street convinced the authorities that the party would occur that night; so the accused were removed in the early evening and taken to Butte County to be held for trial.

This trial never took place. Sheriff Buchanan, who recovered sufficiently in January, 1852, to go to Butte County to identify the prisoners, believed one was the person who had ordered him to retreat from the camp. But he could not positively identify him. Similarly other prospective witnesses could not positively identify the prisoners. Charges could only be dismissed. The real criminals were never known.²⁷

PIONEER CHURCHES

The first religious service in Marysville of which we have any record was that conducted by a Reverend Mr. Washburne on a barge, moored in the Yuba near the Plaza. This service was held sometime in the spring of 1850, but there is no indication that this minister continued for long to preach to the villagers. He was followed soon by two other preachers, but which of these was the first to arrive in the young town we cannot learn.

Rev. S. V. Blakeslee, who had been ordained a minister of the Congregational Church in Iowa, arrived in Marysville April 13. He was allowed to use a part of a building owned by George H. Beach and began to hold services mornings and evenings of each Sabbath. He also organized a local circuit to include Eliza and Yuba City and continued to divide his efforts among the three towns until June, when he was replaced by another pioneer preacher. Mr. Blakeslee continued to work in and out of Marysville during most of the year, preaching to miners in the diggings and even invading the saloons and gambling rooms, where activities would be tolerantly suspended to hear his messages. To this religious worker belongs also the credit for organizing the first Sabbath school for children in Marysville, although he never had more than eight or ten pupils. His later years were spent as editor-at-large of *The Pacific*, a weekly religious newspaper, published in San Francisco under the auspices of the Congregational Church.²⁸

Rev. Joshua Wilson, a native of Kentucky and a Methodist, was the other pioneer preacher to arrive very early in 1850. He relieved Mr. Blakeslee as a regular preacher in June, and during the summer united the several Methodists then in Marysville into what soon grew to be a pastorate. These members rented a small house on the west side of "D" street, between Third and Fourth, and effected the first working church organization in the town. It is unfortunate that we do not know more about the origin of these Methodists,

because they are the pioneer church founders. There are indications that they looked towards Oregon for their jurisdiction.

A group of Methodists in Yuba City, under the leadership of George M. Hanson, the owner of the Yuba City-Marysville ferry, had also formed a pastorate, and the two groups, under the supervision of Rev. Isaac Owen as presiding elder, were formed into the Feather River Circuit. Mr. Owen was also superintending missionary, working from the Oregon Mission Conference, of which the Feather River Circuit was a part.

The first quarterly meeting of the Feather River Circuit of the Methodist Episcopal Church was held at the home of G. M. Hanson, in Yuba City, June 15, 1850. At this meeting it was decided to hold the next meeting at Marysville during September. There were present at this second assembly, the first to be held in Marysville: Isaac Owen, superintending missionary; Hiram Palmer, L. D.; George M. Hanson, L. D.; Joel Burlingame, L. P.; and Arthur S. Barber, steward. The Rev. Joshua Wilson was appointed preacher in charge of the circuit, with headquarters at Marysville. He was voted an allowance of \$1,300 per annum, although for the first quarter he was paid only \$66.40. After resolving "that we will cooperate with other circuits in California in establishing and endowing a University to be under the care of the M. E. Church in California," the meeting adjourned to February 15, 1851.

At this meeting of February the trustees reported the purchase (or probably a gift) of a lot from Charles Covillaud at Seventh and "D" streets on which they had begun to build a parsonage, 20x21 feet, of four rooms. At the next meeting of April 26, 1851, it was reported that the parsonage had been partially completed at a cost of \$517, most of the labor having been donated by "Brothers Barber, Miller, Burlingame and others." Also at this meeting the death of Rev. Joshua Wilson was reported, who had died April 16, 1851, after a lingering illness of two months. He was replaced by Rev. D. A. Dryden.

In May the trustees purchased the building in which services had been held for some months, and the property was dedicated as a church May 18. The trustees were able to report at the meeting of July 26 that the Conference property in Marysville then consisted of "... the parsonage building of about \$700 ... exclusive of the lot. Also a town lot on the west side of D street about half way between 3rd and 4th streets, 80x160 feet, with a one story building 20x40 feet ... finished off for a temporary church with seats, pulpit, altar, lights ... at a cost of about \$2,000. Bal. due upon the purchase about \$750. and about \$50. due on the parsonage ... making in all the church property at its value of \$2,800 and indebtedness \$800. G. M. Hanson and Benj. Landis, Trustees." The conference appointed "Sisters Dryden, Hanson, and Risley to solicit subscriptions to liquidate the church debt," because the debt was "bearing interest at the rate of 5 pr. ct. per month."²⁹

Rev. William Wallace Brier was the first Presbyterian preacher to arrive in Marysville, and as a result of his efforts an active church of this denomination was organized a few months after the Methodists were united. After leaving Marysville in 1852, Mr. Brier moved to Centerville, Alameda County, where he lived for many years, and where he wrote the following account of his activities in the new town on the Yuba. This account is so replete with intimate details of early church history that it is here reproduced at length:

September 7, 1850, Traveled on the steamer Governor Dana from Sacramento to Vernon, thirty miles, and twenty-eight miles in the stage to Marysville. . . . Stayed with Mr. Tay in a "wholesale store," a tent on lower side of the Plaza. Mr. Tay is a partner of Deacon Leonard of San Francisco; had a letter to him and he received me kindly; is a pleasant young fellow. He put up notices of preaching with all the zeal of an older elder. . . .

Sunday, September 8. Preached under the shade of a large white oak tree in the morning. All stores open, all the gambling houses in full blast, teams of oxen and a train of mules loading goods. Went to the place advertised, and found about twenty men sitting on old wagons, ox-yokes and logs. One said, as I looked about, "Sit down, here's the place to hear preaching." I stood on a little eminence and commenced to sing a hymn. From every direction men gathered with sad and care-worn faces, which told of thoughts of loved ones far away, and remembrances of Sabbaths of rest. All listened respectfully. At night I preached in the Court House. This Court House was away out of town, on the plains, at the corner of E and Third street. The only house near it was a square blue tent, six by ten feet, the headquarters of Rev. S. V. Blakeslee, who traveled through the mines and preached. It had a bunk in one end and some blue blankets. With great dignity and geniality he offered the use of his house free of charge until I could build. I declined, as there was no shade. The Court House was a room twenty by thirty feet, with a Masonic Hall above. Had a good frame covered with rough boards a foot wide, no lining, rough floor, and a full supply of backless benches. This was the place for all public meetings and courts. Here, on November 24, 1850, was organized the Presbyterian Church, consisting of nine members. Adam Farish and C. W. McClanahan were chosen Elders. Dr. Wilder was the most active man in the church work. George C. Gorham, of political notoriety, took an interest in the outside matters of the congregation. He was a young man of steady habits. Judge Field, now of the United States Supreme Court, was also a frequent attendant. Judge E. D. Wheeler a young lawyer, and also his partner, Jesse Goodwin, took an active part in the business matters of the church. John Parks, the proprietor of the United States Hotel, and a chief owner of the town, also aided materially in getting up the church building which was erected on the corner of D and Third streets, in the spring of 1851. The subscription was started February 12, and J. M. Ramirez who lived in the original adobe ranch house on the banks of the Yuba, made the first donation. He was looked upon as a capitalist, and headed the list with \$100. Dr. Rice and Dr. Winters rendered good service in getting up the subscription. Lewis Cunningham now a capitalist in San Francisco, had a bank in a little zinc house on B street; he was a quiet but true friend to the church and to the young minister. Mr. Hamilton, who has laid so many in the silent house of the dead, rendered good service in singing. The citizens, with few exceptions, donated to the building. It was finished and dedicated August 3, 1851, Rev. T. Dwight Hunt of San Francisco, preaching the sermon. It was a wooden building lined with cotton cloth, well seated with pews and would accommodate three hundred. The cost was nearly five thousand dollars, with a debt of seven hundred dollars, secured by subscription. These subscriptions were mostly lost by reason of the

great fire, occurring a month after the church was dedicated. The fine bell now on the church [1879], costing six hundred and fifty dollars, was soon secured by a special subscription. It was the first church bell ever heard in the upper Sacramento valley, and no event in the history of that region occasioned more good feeling on its arrival. This bell was placed in a frame outside the church, and was thus saved when the building was destroyed by fire. The Sabbath School was organized on the sixth of April, 1851, with twenty-seven children. The church increased constantly by the influx of families from the East. . . .³⁰

Mr. Brier and his young wife lived on "D" Street, between Fifth and Sixth streets, where their daughter Lizzy was born in December 1850, and whose baptism is the first on record, although very probably the Methodists had already baptized some infants. The sacrament of the Lord's Supper was administered for the first time December 22. The young minister continued to hold services in the Court House each Sabbath morning and evening, which schedule he announced by a formal card in the *Herald*, until the new church building was dedicated.

The subscription list was started in February, 1851. And in May, the ladies of Marysville associated for the first time and held a "Ladies Fair" as a means of raising money to help pay the costs of the new church building. This "Fair" was held on the evenings of May 13 and 14, in rooms over Perry's Brick Store on Second Street. It was largely a sale of home made commodities at auction to the gentlemen, who became so bewildered at "the array of bright eyes and bright smiles" that they "involuntarily drew forth from their fobs sundry and divers dollars which they straightway deposited into the hands of the fair ladies who were conducting the affair."

Mr. Fairchild, a comedian with Dr. Robinson's theatrical company, in town at the time, served as auctioneer. His function is described in these words:

"The funny Fairchild was holding forth . . . selling at auction. When we went in he was selling a piece of ginger-bread and had got a good bid of two shillings on it . . . 'Gentlemen will you allow me to throw property away thus . . . Who wouldn't give more than two shillings for a piece of ginger-bread in aid of building a church . . . look at the style of ginger, going, any advance—gone' and up walked a man from 'Pike' County and the ginger-bread disappeared immediately." A very "handsome sum" was realized from this Fair.³¹

A Catholic church was not organized until 1852, although an earlier attempt had been made. In January, 1851, Rev. John F. Llebaria came to Marysville and interested a number of Catholics in the project to establish a church. The following notice appeared in the *Herald*:

"Meeting. Those persons favorable to the establishment of a Catholic Church in Marysville will please meet at Mr. Park's room at the United States Hotel, this Tuesday evening, 14th January, at 7 o'clock." The notice was signed by Rev. John F. Llebaria, John Parks, Dr. S. M. Miles, Dr. S. T.

Watts, José M. Ramirez, Thomas Nugent, Capt. Kincannan, and Hugh Kennedy. This meeting was addressed in Spanish, French, and English, in an endeavor to enlist the cosmopolitan following which a church of this denomination would expect to find in the town at the time. The editor urged all citizens to support the movement saying, "We believe that there is here that enlarged spirit of liberality in heart and purse and of toleration of all sects and creeds, which will willingly forward the enterprise." And subscriptions were received, but not to a sufficient amount; the project was abandoned, as this second notice of May 20 indicates: "The subscribers to the Roman Catholic Church are hereby notified that those of them who have paid in their subscription will apply to Messrs. Col. Berry or Dr. Watts at the City Drug Store to adjust their claims within ten days, by order of the Trustees." Why this movement failed to mature until a year later is unknown.

Dr. W. Grove Deal, a popular lecturer of Sacramento, and Worthy Patriarch of the Pacific Star Division of Sons of Temperance of that city, offered to come to Marysville and organize a Division if a sufficient number of persons so desired. This offer met with immediate response, and the Philo Franklin Division was organized, with Cyrus Crouch as Worthy Patriarch. One of the first public appearances of this fraternity was at the funeral of their brother, Rev. Joshua Wilson, the Methodist minister, when they marched in formation in the procession and took part in the grave-side ceremonies. The comedian, Fairchild, of Robinson's Company, an inspiring lecturer on temperance, gave further stimulus to the movement by making addresses when not engaged on the stage. During the following ten years, five divisions of the Sons of Temperance were organized in the city.

Only one other denomination was represented during the period now under consideration. On Sunday, June 8, 1851, Reverend T. Langworthy, a Universalist from New York, held services in the new theater building, which Dr. Robinson had erected only a few weeks before.

RECREATION IN 1851

Recreations became somewhat more varied in 1851, as more professional entertainers included the city on their itinerary, and more resident talent arrived or was discovered. It has been noted that the proprietors of saloons discontinued their free music for their patrons in December; but by February they had resumed the service because their patronage fell off, and they recognized that not sufficient persons would spend evenings in their places with no other inducement than alcoholic beverages and the opportunity to gamble. A trio of good quality, including violin, flute, and piano (Messrs. Griffith, Burrill, and Grampas, respectively), was engaged at the United States Hotel. And at the El Dorado there is evidence of a cosmopolitan ensemble of at least five pieces. Our evidence is a description of a discordant

scene, which Massett thought novel enough to deserve a news item. Each man wished to play his own national tunes:

The Englishman insisted that "Rule Britannia" was the greatest air out; this fired up a Yankee, who insisted upon playing nothing else but "Hail Columbia," or for a slight variation "Yankee Doodle." The Frenchman could not stand this at all, saying first "zat de Merikans hav no tune but see Nigger hairs," and "zat he vood play nosink but see musique of La Belle France." All this time a Hungarian exile was amusing himself, by sending forth a solitary "Polka" from a dismal flageolet, to the no small discomfiture of the plump faced German [the director] who rushing from the scene of action, exclaimed "mine Got, vat a country! vat a peoples!!"³²

Later, at this same saloon another trio (Mr. Frederick Grampas, the pianist mentioned above, Emilia Chaigneau, violinist, and Emile Leya, flutist) was engaged. Of this trio Massett reported, "They played some of the Gems from Norma and Lucia d'Ammermoor, and rarely even in the most critical musical parties in New York City, have we heard a trio play with such taste, ability and precision."

In June, Mr. Simonson, a violinist, whom the editor called "The Ole Bull of California," assisted by Mr. Pattinos, "the celebrated pianist," filled a short engagement at the El Dorado, where "a perfect crowd" assembled to greet the artists, who had been in Marysville before. The closest competitor of the El Dorado, The California Exchange, kept a band of four musicians, who made "most exquisite music nightly"; and several of the smaller saloons furnished entertainment on occasions. After commenting on a "new star . . . Madame Korsinski, a charming vocalist, who appeared . . . at the El Dorado . . . and delighted a large audience by her manner of singing selections from operas, accompanied on the piano by her husband," the editor concluded, "In no other country that we wot of, can so much good music be heard in public places 'without money and without price' as in California."

Two of the hotels served as the first concert halls. March 22, the Ethiopian Serenaders (probably not Ethiopians) ran the following card: "The Ethiopian Serenaders Respectfully announce to the Ladies and gentlemen of Marysville that they propose giving a series of Concerts at the United States Hotel, commencing on Monday evening, March 24, 1851, when they will introduce a selection of songs, glees, choruses, etc., etc. Tickets to Concert \$2 to be had at the Hotel." Massett, the critic, declared their singing deserved the highest praise, and he complimented one of the gentlemen, Mr. C. Price, especially for his characterization of "Lucy Long." The Serenaders went for a tour of the mines, but the editors followed them with a warning to other printers to be on the lookout for the itinerant band, who had failed to pay the *Herald* for posters printed.

About the first of the year, John Rueger and George Engler, with a third partner, Joseph Kamer, expanded their brewery and opened the Marysville Hotel and Brewery at the corner of Front and "C" streets. This place seems to have been patterned after the Swiss *brasserie*—a combination of brewery,

lodging house, restaurant, beer garden, and music hall. It became very popular and shared that trade which had been enjoyed by the Hotel de France. These Swiss proprietors brought to Marysville the first two really high class professional musical troupes larger than the several trios or soloists already decried. The dining room was equipped to serve as concert room. On March 27, The Tyrolese Singers began an engagement at this hotel. They were two men and two women, who appeared in native costume and sang to the accompaniment of a zither. At their first performance, the audience "seemed highly delighted," but the critic declared that "beating time with the feet in a public concert room was not only in extreme bad taste but excessively embarrassing."

During April, the Montaynard brothers and a cantatrice, Madame Leduc, gave a series of concerts at the hotel mentioned above. These five vocalists were assisted by the local trio already described, Messrs. Chaigneau, Leya and Grampas. The four brothers were received so cordially, and they made so many pleasant acquaintances, that some of the "boys about town," including Massett, Taylor, Smith, and others, organized a burlesque entertainment at which the Montaynards were guests of honor. This affair was called the "Grand Caterwaul" and is best described by quoting the report from the *Herald* of April 29:

Grand Caterwaul—This affair was "done up" at the St. Charles Hotel on Saturday evening. A large audience was in attendance. A variety of songs were sung and a variety of instrumental mewsic performed. The Tan-yard Brothers were dressed in a uniform of red shirts, black cloth caps with a band of red, having a miniature lyre above the visor. Of the performance of the "Brothers" it would perhaps be as well to say as little as possible. The Consnort was got up partly as a paraphrase upon the concerts of the Montaynard Brothers who have been delighting the citizens of Marysville, and wholly for "a bit of a lark."—All present were apparently pleased and amused, and none more so than the Montaynards themselves who volunteered in two splendid quartettes. In fact the affair has made those who for the occasion styled themselves the Tan-yard or Mighty-hard Brothers and the Montaynard Brothers firm friends forever.³³

The first theatre in Marysville was a direct result of a serious fire, which occurred in San Francisco on May 3, 1851, and which destroyed the Dramatic Museum operated by Dr. D. G. Robinson. This misfortune left Dr. Robinson and his company of fifteen actors nearly destitute and without equipment or house. With assistance from fellow troupers, the company came to Marysville on May 12. They leased a lot at Second and High streets and erected a theatre. Mayor Miles and forty leading citizens signed a letter offering to give the company a "complimentary benefit," which was held May 21, but the opening performance was billed for May 19 and was announced by the following card:

Theatre! Corner of Second and High sts. opposite Taylor's Hotel. Opening of the "Dramatic." First Night of the Season! Dr. Robinson would respectfully announce to the citizens of Marysville that he will present for their amusement on Monday evening May 19th. the following entertainment.

Monday evening will be presented the first performance of a dramatic character ever given Marysville called the Pleasant Neighbor. Previous to which an Opening Address written by R. H. Taylor, Esq. will be spoken by Dr. Robinson. To be followed by a beautiful Medley Dance by Miss Josephine—Song by Miss Clarence—Comic Song by Fairchild—Yankee Story by Dr. Robinson. The whole to conclude with the laughable Farce entitled The Spoiled Child. Doors open at 7½, performance commences at 8 o'clock. Admission, private box and Parquette \$2. Pit \$1.

The opening program was not held as scheduled, on May 19, because a rain storm made it impossible to use the theatre structure. The opening was on May 20. The fact that a rain could interfere with a dramatic production makes one suspicious of the character of this theatre building. The *Herald* gave no description of it, but a Sacramento paper thought it worthy of the following account:

Marysville Theatre—This structure for architectural beauty and elegance of finish will compare favorably with the most costly edifice of like character in California. The parquette is lined with calico and separated from the first tier by a long unplanned board. The seats in the pit are without backs, but the accommodations of the first and second tiers are more comfortable as the boards of which those seats are composed are cut out of the softest pines. The roof of the theatre is covered with the most expensive quality of canvas but has unfortunately at the present time, a large rent in it, which was occasioned by lowering the base drum of the orchestra through it, in consequence of the main entrance being too narrow to receive it. The stage is ten by twelve, and the private boxes are capable of holding one person comfortably. The theatre is well ventilated and overcoats are required in the hottest evenings in summer.

We understand that the proprietors of this establishment have as yet refused every munificent offer to part with it.³⁴

Dr. Robinson and his company remained in Marysville two weeks, during which time *The Pleasant Neighbor*, *The Spoiled Child*, *Charles Second*, *Omnibus*, *Spectre Bridegroom*, *Barrack Room*, *Day After the Wedding*, *The Dead Shot*, *Avarice and Revenge*, *Widows Victim*, *Charles Twelfth*, and *Family Jars* were presented to good houses. There were requests for his famous play *The Drunkard*; he gave it at a benefit for Mr. Fairchild. The Doctor had proposed to use the proceeds of his benefit to purchase a lot on which to put a brick show house. But evidently this producer, on second thought, concluded that the young city was not yet able to support a permanent house, for on June 6, he and his company departed in three wagons. "Away went the party, and nary gladder was ever seen agoin' to the great town of Nevada. (Oh!)"

June 16, a few days after Mr. James Stark and Mrs. J. H. Kirby were married in Sacramento, the former brought his Tehama Company to Marysville for a six nights' engagement. They presented *Othello*, *Lady of Lyons*, *The Stranger*, *Rough Diamond*, *Virginius*, and several lighter farces. But there were no other professional entertainers who would risk an engagement in the city during the first half of the year of 1851.

Horse racing became a popular diversion in the spring of '51. At first the races were held informally and privately at any place where a suitable course

could be found. But by the first of March those interested persons had formed the Marysville Jockey Club with John G. Smith as secretary. The first formal event occurred on March 11, when a "grand sweepstake for a five hundred dollar purse" was held at the Yuba Track, on Yuba Road, two miles from town. The course was open to all horses for a five dollar entrance fee. The first horse won the purse, and the second, the entrance money. The entrances were M. C. Nye's "Wicked Billy," Mr. Hunt's "Fancy," Mr. Kearns's "Jack," W. H. Brown's "Marshal Ney," and Mr. Edmonson's "Wild Cat." The animals were out of training, the riders wanted practice, and the course was rough, but "Wicked Billy" won the purse in fifty-two seconds for a half mile, with "Fancy" five feet behind. "There was considerable betting." A few days later, these two animals were matched at a new course, Keller's on the Yuba Road. The stakes were \$500 "and numerous side bets were made to heavy amount." About a thousand spectators saw "Wicked Billy" win the half-mile race in fifty-two and one-half seconds. The owners of this winner now ran a card with the following challenge:

"Wicked Billy—All of you sporting hombres of Marysville come and pitch in with your steeds. He will run one mile against one horse or more, that ever made a track in Marysville for \$500 or \$1,000. Banco-Roly. Nyes & Brother's Livery Stable. Teehoogah Bean."³⁵

Not until April 5 did the champion find any other opponent and then he defeated "Sorrel Mare," owned by Captain Yates. But Captain Cole, of Lindley and Cole's Ranch, "The Hermitage," was grooming a mare which was thought to be a potential winner. And a "Stranger" living at the United States Hotel offered to run his horse, "Sleepy David," one mile against any horse in Marysville for a \$2,000 purse. But "Wicked Billy" remained a favorite.

The first part of June, a number of congenial men of the city proposed to organize a "Union Club," to be of the same style as the Athenaeum, of San Francisco. This indicates that some of the more refined residents were tiring of the informal gambling saloon. They desired a rendezvous, where those who preferred could have a "quiet chat or enjoy without interruption their newspaper and cigar." Rooms were fitted, and the food and refreshment concession was let to a Frenchman, Mr. Boudin, who had come to work for Videau at the Hotel de France. An opening dinner was held July 8. Out-of-town guests were Colonel Bigler and Mr. Hull, of San Francisco. Speeches were made by these two visitors, Mons. Edouard David, the French consul resident in Marysville, Colonel Jesse O. Goodwin, S. B. Mulford, and R. H. Taylor. This action is one of the first revolts against a tendency for Marysville to become a mining town, a type of town which it never really was.

It would be erroneous, however, to give the impression that there was an organized determination to prohibit, or even to discourage, those institutions which characterized the new settlements of California. Gambling and the

several enterprises usually allied with the entertainment saloons prevailed, if they did not thrive. The fad of 1851 was lansquenet. In May, two French ladies came to Marysville and opened a private game in their quarters at the Humboldt House. The reporter urged the boys to "go and see them, they are pretty, one of them particularly so." In a later issue, he reported that "Some of the prettiest French women the eye ever gazed on have 'set up' Lansquenet tables and not satisfied with making money are setting every body crazy."

Private gamblers who tried to eliminate the element of chance were prosecuted by the courts, as when "An hombre was yesterday arrested for playing the box game upon a verdant one, whom he had managed to swindle out of \$300 or \$400 dollars. He was committed to jail."³⁶ But any genuine game of chance was allowed. Lottery was a favorite pastime. The "Marysville Grand Lottery valued at one thousand dollars [200 tickets at \$5.] and carrying forty three prizes" was drawn February 14, at the El Dorado, "under the inspection of a disinterested committee." In March, Charles Ball, jeweler, and the *Herald* acted as agent for J. C. Morrison, Jr., of Sacramento, who disposed by lot of a diamond watch, valued at \$5,000 owing to its two hundred diamonds. And so at all times some diversion in lottery was offered.

Serenading became a recreation both for certain musically talented residents, including Taylor and Massett, and the persons serenaded. O. H. Peirson began to hold night auctions in February, and provided a loafing place and entertainment, as Massett and Brewster had done in Sacramento. Some of the more daring loafers resorted to practical jokes, such as changing signs and rapping on doors during the night. The editors complained about finding the court house sign on their office one morning and declared that this practice was more of a sport to the participants than it was to occupants of stores and buildings. During the spring, on good days it was the custom of those who could spare the time "to have a game of Ball every afternoon" in the Plaza, or on vacant lots. And in May, a Mr. Adams, recognizing a demand for any variety of amusement, brought to Marysville a California lion, which had been caught near Nicolaus, and exhibited the animal for a charge of fifty cents. Thus, by taking advantage of the commercial and amateur amusements, the citizens could enjoy a life far more varied than had been possible during the first year of the town's existence.

SNAGS IN THE RIVERS

During the dry season of 1850, Taylor had contended that travel could be kept open if the snags could be removed from the channels. He did not let the matter drop until he had caused at least an attempt to be made. The problem was not solved, however, even when the water rose, due to winter rains, for snags which normally protruded above the surface were then hidden and therefore dangerous. By March, the merchants became alarmed when some of the largest steamers threatened to discontinue service; so on the 18th,

Taylor proposed a general meeting to consider raising a fund of \$10,000 for snag removal. A meeting was held March 29, at which it was decided to raise the money by private subscription and to receive bids for the contemplated work.

H. P. Watkins and John C. Fall were entrusted with the task of circulating the subscription list and seeking bids. Charles Covillaud headed the list with a donation of \$1,500, and several of the larger firms made generous contributions. June 1, it was reported that a fairly large sum had been pledged. But nothing had been done by the last of June, chiefly because no contractor would undertake the job. July 1, two boats, the *San Joaquin* and the *Union*, were snagged and disabled south of Marysville in the Feather. The matter was becoming serious and a repetition of isolation threatened. Work was begun later in the month, and by August 18 the contractors had reached a point five miles south of the city.³⁷ Steam travel was not interrupted entirely in 1851, as it had been in 1850, but the larger boats were obliged to cease coming to Marysville during the lowest water.

MINING VS. AGRICULTURE

Even as early as the first half of 1851, agriculture began to rival mining as the dominant contributing industry to Marysville, though very probably not all residents realized the fact. Gold mining was exaggerated, during this half year, by the introduction of two innovations. As early as September, 1850, a small river boat, the *Phoenix*, was fitted out as a dredge with which to bring up the placer gold on the river bottoms at points where the water was too high and constant to permit the usual methods of handling it. The first setback for the *Phoenix* was a snag, which sank her with her heavy apparatus. Not until January was the boat taken far enough above Marysville (nine miles) in the Yuba to be tried. The principle apparently was that now in use on the same river. An endless chain of scoops brought the mud up to a rocker-washer, which was propelled by the same power which operated the scoops. Screens separated the finer material from the coarse. The boat was also equipped with a "Bogardus patent amalgamator," which caught the free gold by means of quicksilver. The point in the river where the first trial was made was not considered rich in gold, but one hundred dollars worth was secured. The owners had great hopes for their project, when and if they reached the rich channels.

By the last of April, the *Phoenix* was moved up the Yuba as far as Ousley's Bar, a location believed to be rich. But the owners were greatly disappointed. They assumed that the rocker was defective and proposed to try another type. They had already spent \$28,000, but on May 13, stockholders were notified that an assessment of two dollars a share was to be levied. In June, shareholders were selling stocks at auction. And July 1, Job H. Watson and Joseph Tryon, trustees, authorized Adams and Farish to sell at auction the *Phoenix*

and its equipment as they lay at Ousley's Bar. Dredging was a failure for the time.

In February, Lewis Cunningham and Mark Brumagim became interested in a dredging project. They organized the Linda Steam Dredging Company, of which they offered to sell one hundred shares of stock. The necessary equipment was ordered from the East, with which they proposed to fit out their small and famous boat, the *Linda*. But before the final arrangements were made, the failure of the *Phoenix* put an end to the project.

Quartz mining became a more important industry during late 1850 and 1851, but the organization and publicity was out of proportion to its absolute contribution of wealth and commerce. December 27, Colonel L. W. Taylor was offering shares in the Northern Yuba Quartz Mining Company, of which George Pierson of Yuba City was secretary. This company secured a Stockton engine and twelve hammers, which were sent to its claims at Tolles Dry Diggings in upper Yuba County. In February, an unauthentic report states that they had struck a five dollar vein and were handling twenty tons per day. In April, the El Dorado Mining Company was formed in San Francisco, and had as part of its program the operation of quartz claims in Yuba County, but little more was heard of it. From Grass Valley came more definite news of real quartz operations, chiefly on a small scale and by hand. However, at least ten companies were installing some sort of machinery on "Gold Mountain." June 14, a steam engine went through Marysville, bound for the Wyandotte diggings. This same month, the Eureka Quartz Mining Company reported a rich strike on the middle Feather near Jamieson Creek, where, according to a report by W. W. O'Dwyer, July 10, four hundred persons were engaged in preparing machinery for action. The most promising quartz district for trade in Marysville was the Brown's Valley diggings, where fabulous strikes were reported, valued from three cents to one dollar per pound. By the end of July, claims had been taken up to cover the entire area, and three companies were being organized.

Of course, it is not intended here to give the impression that gold mining was ceasing to be of importance to the commerce of the city. The thousands of animals which left the Plaza each month, laden with supplies for the diggings, would disprove such a contention. But immigrants were turning voluntarily to the land, and the many miners whose claims were exhausted were the squatters who kept the owners of the Cordua grant alarmed during the fall, winter, and spring of 1850-51. Whereas the *Herald* in 1850 was devoted largely to mining news, the next spring the following item was considered apropos:

The Crops—The late rains have proven of immense advantage to the crops. A year ago, when we spoke of rain, it was always in connection with the question, "how will it affect the miners?" Now a large share of attention is given to the inquiry, "will it benefit the agriculturist?" Fears have recently been entertained that the crops would almost

entirely fail for want of rain; and just as the farmers were beginning to abandon the hope, down came the refreshing rain to quench the thirst of parching mother earth; she laughs outright through her millions of bright-hued flowers, the tender shoots spring forth from the buried seeds, and the heart of the husbandman is made glad.³⁸

URBANIZATION IN 1851

In the last chapter, a discussion of urban shops and institutions drew attention to the amount of progress made in 1850. Again it ought to be done at this point to show how the progress towards urbanization not only grew by addition, but veritably expanded geometrically in the first six months of 1851. The large business houses had become too numerous to be mentioned individually. And there were more bankers, expresses, auction houses, commission merchants, physicians and lawyers.

The first of July there was organized, with Marysville as headquarters, the First Division of the First Brigade of the California Militia. Brigade Order No. 1, signed by Brigadier-General S. M. Miles and C. S. Kasson, Adjutant-General, named J. F. McCann, S. T. Watts, S. C. Tompkins, A. D. McDonald, R. H. Taylor, R. B. Buchanan, and J. Q. Wilbur as other ranking officers.

During the winter and spring of 1851, Mr. James B. Howard,³⁹ a former teacher in the New York State Normal School, of Albany, kept a school in a building on Second Street, where he received children of all ages, whom he taught "the branches of an ordinary English education." In February, Ebenezer Hamilton,⁴⁰ of Rhode Island, arrived in the city and established the first undertaking service, supplying "a good hearse and coffins and digging graves. . . ." Four livery stables were busy furnishing transportation, and W. P. Miller had installed public hay scales. General James A. Peden and Charles P. Cooper, both from Florida, opened up law offices and offered the community special service in adjusting land claims. The French government had sent Mons. Edouard David to reside in Marysville and to serve as consular agent. This agent was also an importer and distributor of "Old cognac in casks and in cases. Champagne, claret in casks and cases, and all liquors, syrups and ale," as well as "Segars from Havana." And G. O'Hara Taaffe,⁴¹ later consular agent for Denmark in San Francisco, had opened the first imported goods house, where he supplied tobaccos, Chinese sugar, rice, Java coffee, Holland gin, and other luxuries. But the most novel contribution of this Scandinavian, who had come to California from the Orient, was the introduction of A'Hoy, a Chinese washerman, who washed clothes at the rate of three dollars per dozen.

In January, Covillaud, Swezy, Buchanan and others organized the Yuba River Bridge Company and gave some consideration to the project of bridging the Yuba, but nothing was done during the year. Some of the visionary settlers were going so far as to speculate on the possibility and desirability of

Marysville becoming a terminus for the Pacific railroad, which was then being projected.

Mrs. L. B. Farish, of Memphis, Tennessee, and Frances Rogel were offering their services to the women of the city as dressmakers. A Mr. Dennison and an unnamed Frenchman were working as barbers, giving shaves for fifty cents. A. W. Nightingill⁴² was painting signs. William Clark was sprinkling streets for the city and was trying to get a franchise to lay pipes to supply water for fire fighting from his steam pump, which he called "The Water Works." At least four daguerreotype artists were making likenesses of the citizens. An engraver, Mr. Armstrong, made a woodcut of the city, and Henry Firks painted a scene of the settlement, which painting and woodcut were sent to San Francisco to be reproduced by lithography and distributed by R. A. Eddy. William Fonda, a jeweler in the employ of Charles Ball, had fashioned a special vest hook of virgin gold from the diggings. This article was named the Yuba Hook and was sold as such in the East. And for those settlers who liked to patronize home industry, Dr. Wot Ayres, a dentist, made false teeth of Yuba gold.

J. S. Friedman⁴³ had opened a specialized dry-goods and clothing store, and J. & C. Levin were offering ready-made men's clothing, as well as "Masons' Regalia." T. S. Mitchell and Company opened the City Shoe Store, the first house devoted exclusively to footwear.

An enterprising person named Slye began to bring ice from the mountains, storing it in his "vault," from which he dispensed not only the ice but ice cream and ices. At Wheeler's Bakery and at Watts Drug Store were soda fountains furnishing soft drinks. Milk was plentiful, as a result of more dairy activities on the neighboring ranches, and was sold as a beverage. "A small Irishman," Paris Jasper Ferguson, vended candy as he walked up and down the streets, and two bakeries and confectionaries were catering to the taste for sweets. In the spring, Indians from Yuba City brought over wild blackberries, which they had gathered in the river bottom, and which they sold on the streets. And finally, as a mark of progress, Sam Simmerly and his partner, Alex Burns, were dispensing from their "Queen City Market" choice steaks and roasts, obtained from some of the cows Cordua had "planted" in 1843.

FIRES

The night of August 31, 1851, a Chinese washerman (very probably A'Hoy) fell asleep leaving a candle burning near some clothes. The candle burned down, igniting the clothes, and before the Chinese awakened, his shop was in flames. This laundry was on High Street, near Second. A slight north wind spread the fire southward and eastward towards First Street and "D." Then the wind changed to the westward and blew the flames into the section between High and "E" streets.

It will be recalled that the council had failed to provide a fire department or equipment, although water reserves were made compulsory. In June, a fire had broken out during the afternoon in the store of Farish and Adams, but it was quickly exterminated with convenient buckets and a barrel of water. But this fire which broke out at midnight, when few persons were about, defied the buckets and barrels and swept on unrestrained, cleaning all before it between "D" and "E," from Second to the river. There were few buildings on the west side of "E"; so the spread across "E" was easily checked. But "D" Street was narrower and closely built up on both sides. Only by hanging wet blankets in front of the buildings on the east side of "D," were the flames held back from the eastern section of town.

Eighty buildings were completely destroyed, which together with stocks of merchandise were valued at \$500,000. The insurance carried was slight, for insurance was not yet common in the new towns of California.⁴⁴

As if the gods were angry, on September 10, at one o'clock in the morning, a second fire broke out in Mitchell and Nunes' liquor store on First Street and consumed everything (twenty-five buildings) between "D" Street and Maiden Lane, from First to the river. Thus three-fourths of the business section of Marysville was destroyed in a few days.⁴⁵

CONCLUSION

At this point, then, is the logical place to end the story of the "Beginnings of Marysville." The old board town was gone. There were, by this time, however, a dozen brick buildings either completed or under construction, and nearly all of the new buildings, which went up rapidly after the fire, were of brick. The brick city which we know today, and even that which the oldest resident can remember, has nothing in common with the pioneer, board and canvas city-trading post. And a further sober commentary is the fact that even the pioneer population was dispersed. Many merchants were either too discouraged or financially unable to rebuild and restock. This fire, which even swept away the last memory of Cordua, the one "Old Adobie" which the proprietors had retained, served truly to obliterate all evidences of the first settlement and to deprive us of all material souvenirs, excepting only the one known file of the *Marysville Herald*, from which the greater portion of this story is taken.

NOTES

1. The greater part of this chapter is taken from the *Herald*; consequently many statements will include a date which is near enough to the issue from which the fact, or facts, are taken to allow the reader to refer to the exact source without a note.

2. *Journal of the Legislature of the State of California*, Second Session, pp. 837, 938, 1016, 1095.

3. *Statutes of California Passed by the Second Session of the Legislature*, pp. 330-38.

4. I have been unable to find the origin of this term, "Queen City." It is used in the

first issues of the *Herald*; therefore it probably was coined early in the existence of the town.

5. An alderman in San Francisco had been presented with a medal. Taylor is probably making a facetious allusion to him.

6. *Statutes*, Second Session, pp. 338-39.

7. Dr. D. W. C. Rice was city physician, Ebenezer Hamilton, sexton, W. W. O'Dwyer, assessor, and Miller, the marshal, served as wharf-master.

8. For twenty-five years, the charter was amended frequently to satisfy interests which fretted under some particular regulation.

9. *Herald*, March 22, 1851.

10. *Ibid.*, April 26, 1851.

11. The *Yuba Telegraph* did not mature. The second newspaper founded in Marysville, and the first Democratic organ, was the *California Express*, which Colonel Richard Rust began November 3, 1851.

12. *Herald*, September, 1850 (several issues).

13. *Ibid.*, January 31, 1851.

14. *Ibid.*, May 10, 1851.

15. *Ibid.*, May 20, 1851.

16. Mary Floyd Williams, *History of the San Francisco Committee of Vigilance of 1851*, p. 250. (Hereafter referred to as Williams.)

17. Minutes of the Vigilance Committee of Marysville 1851. The original manuscript is in the Marysville City Library, and a photostatic copy is in the California State Library. This single volume contains the constitution, the signatures of the members, and minutes of meetings from June 24 to August 26, 1851.

18. *Herald*, December, 13 and 17, 1850, March 25, 1851. The details of the Moore murder are given at great length in these issues. Bancroft and others, who have tried to describe this crime, evidently had not seen the *Herald*.

19. *Ibid.*, February 28, 1851.

20. *Ibid.*, June 28, 1851. A very complete narrative of this trial is to be found in the *Herald* from June 28 to July 8.

21. Williams, p. 258. Captain Joy was made an honorary member of the Marysville committee.

22. *Herald*, June 21, 1851.

23. Minutes, July 22; *Sacramento Union*, July 18, 1851.

24. H. H. Bancroft, *Popular Tribunals*, V. I, p. 454.

25. Williams, p. 374. The San Francisco *Alta California* of August 20, 1851, quoted the Marysville *Herald's* account of the Grand Jury's report to the Court of Sessions:

"They report that they have examined ninety-six criminal cases, of which one was for murder, two for assault with intent to kill, twelve for conspiracy to defraud, two for duelling, nine for threatening life, thirty for resisting sheriff, one for assault, one for obtaining goods under false pretences, and two accusations against officers for neglect of duty; resulting in the finding of seventy-seven true bills, the ignoring of two bills, and the dismissal of seventeen cases. They have made seventeen presentments for refusing to pay license for selling liquor.

"The report recommends a chain gang. It endorses and approves of Lynch law in one portion, and in another asks, 'How shall we prevent such an unholy abuse of such assumption of power?' They say that 'as soon as it is found that the civil law is adequate to the protection of life and property, the Vigilance Committee should be dispensed with,' but 'do not think it can conveniently be dispensed with at the present time.' Good!"

26. Williams, p. 342. This author quotes from the San Francisco *Herald* of October 16 and 17, and from Payran's memories.

27. San Francisco *Daily Alta California*, November 14, 15, 16, and December 16, 17,

and 19; Sacramento *Union*, same issues. These two papers gave this entire narrative in reprints from the Marysville *Herald* and the new Marysville *California Express*. This is another story which has been distorted by the romancers, until now it is commonly stated that Joaquin Murieta and his company were responsible for the Natchez massacre and the wounding of Buchanan. There may be some good grounds for the assumption that Murieta was guilty of these crimes, but it is clear that the narrative has been changed in many details by later biographers of the bandit.

28. Thompson and West, *Yuba County*, pp. 52-53.

29. From the Recording Steward's "Book for the Feather River Circuits and Marysville Station," pp. 1-14. This original manuscript, in the hand of George M. Hanson, is in the archives of the Methodist Episcopal Church of Marysville. *Herald*, May 18, 1851; T. & W., p. 53.

30. T. & W., p. 53.

31. *Herald*, May 17, 1851. The details in Rev. Mr. Brier's statement can be verified in "The Minutes of the Session of the First Presbyterian Church of Marysville," pp. 1-4.

32. *Herald*, February 14, 1851.

33. *Ibid.*, April 29, 1851.

34. Sacramento *Union*, June 21, 1851.

35. "Banco-Roulez" were the concluding words pronounced by the gambler who operated the roulette wheel. "Banco" meant the bets were made, and "roulez" was the command to roll the wheel. These words became sophisticated slang expressions. Teehoogah Bean was a jockey-trainer-manager in charge of "Wicked Billy."

36. *Herald*, May 1, 1851.

37. Sacramento *Union*, August 18, 1851.

38. *Herald*, April 22, 1851.

39. J. B. Howard served as deputy clerk of Yuba County and recorded some of the early documents.

40. Ebenezer Hamilton, already noted in connection with the Presbyterian Church, came to California through Mexico, arriving May 24, 1849. (Marysville Pioneers.) He was a singing master and choir director, as well as undertaker. He died December 9, 1875, in Marysville. (*Appeal*, December 10, 1875.)

41. G. O'Hara Taaffe was born in Denmark in 1825. He had spent some time as merchant and trader in China before coming to California in 1851. He left Marysville after losing his store in the fire of August, 1851, and moved to San Francisco, where he conducted an insurance agency. In the 60's, he was appointed consular agent for Norway, Denmark, and Sweden. He died at his home at Rose Bush, Alameda, April 16, 1874. (San Francisco *Alta*, February 13, 1869, and April 17, 1874.)

42. A. W. Nightingill came from Ashland, Ohio, and arrived in California in 1849. His brother, G. R., was more prominent in city affairs and remained a resident until in the seventies. (Marysville Pioneers.)

43. Joseph S. Friedman was born at Reckendorf, Bavaria, August 12, 1819. He had been in the United States over ten years when he came to California in September, 1850. He came to Marysville early in '51. The fire of August drove him away to the Bay district, where he had a long career as a business man. He died in San Francisco in 1885, worth \$125,000. (Alonzo Phelps, *Contemporary Biography*, I, pp. 395-96; San Francisco *Call*, February 7, 1885.)

44. Sacramento *Union*, September 2, 1851.

45. *Ibid.*, September 11, 1851.

SAN FRANCISCO'S ANCIENT CANNON

*An Inquiry Into Their History and Origin Together with Some Notes
on the Castillo de San Joaquin*

By DOUGLAS S. WATSON

SIX ANCIENT bronze pieces of artillery are curious relics of which San Francisco is the proud but rather ignorant possessor. Each of these old Spanish guns bears a name of its own, such as San Domingo, San Francisco, San Martin; all are dated, and each bears either the name of its maker or a Latin inscription giving a clue to his identity.

Two of these Seventeenth Century cannon, posed upon pedestals, grace the grounds at Fort Mason adjoining the quarters of the commanding general of the Ninth Corps Area of the United States Army. Two others stand guard at the entrance of the Officers' Club at the Presidio, while two more are mounted on the lawn bordering the parade ground which, from the founding of the Presidio by Lieutenant José Joaquín Moraga, of the Spanish Army, on September 17, 1776, until after American occupation of California in 1846, was the site of the adobe-walled enclosure where dwelt the garrison. Today, all that remains of these old presidial buildings is the much remodelled Officers' Club, which once did service as the *comandante's* quarters under the Spanish and Mexican régimes.

The history of these old guns appears to be shrouded by the mists of the past. Even those in command of the military posts, where they are on view today, admit they know little or nothing about them, and the casual visitor stops only long enough to admire their oddity and beauty, if perchance his attention has been called to their existence. Yet these cannon have been the concern of four viceroys of Peru, two viceroys of Mexico, two governors of Spanish California, the botanist of Vancouver's exploring expedition, Captain William D. Phelps, of the American bark *Moscow*, Captain John Charles Frémont and his armed survey crew, in addition to the commander of the United States Naval forces, Commodore Jonathan Drake Sloat, by whose orders the American flag was raised over California at Monterey, July 7, 1846. Nor must Captain John B. Montgomery, of the U. S. S. *Portsmouth*, who took possession of Yerba Buena on July 9, 1846, and his Lieutenant, John S. Missroon, be excluded from the list, for they and Commodore Sloat carried on an extensive correspondence having to do with these identical lethal weapons.

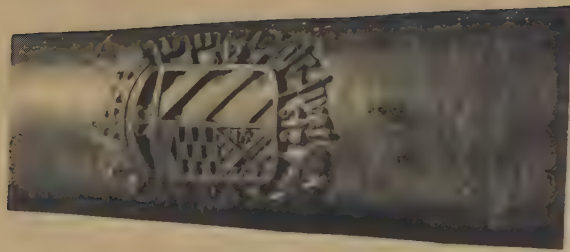
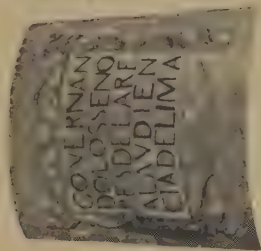
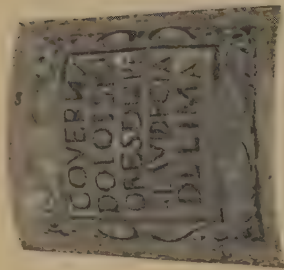
In order to trace the history of San Francisco's cannon, it is necessary to mention the ancient claims of both England and Spain respecting the land



Arms of Don Baltasar de la Cueva Henriquez y Saavedra, 24th Viceroy of Peru



The guns San Pedro and Peder with their inscriptions



Arms of Don Melchor Puentecarrero Laso de la Vega, 27th Viceroy of Peru

bordering on the Pacific. The claim England made to the northwestern coast of North America, including a large part of California, was grounded upon Francis Drake's discovery of 1579, which he called New Albion. Spain, disregarding English pretensions, asserted ownership extending to the far Northwest, and eventually planted a military colony at Nootka Sound in order to substantiate her claim by actual possession. This Nootka controversy was settled by treaty in 1790, by which Spain relinquished her far northern claims, but in order to clear up certain points arising therefrom, the Spanish government named Don Juan Francisco de la Bodega y Quadra as its commissioner to meet with Captain George Vancouver, the British commissioner, at Nootka in the summer of 1792. Vancouver and Bodega (or Quadra, as Vancouver calls him) were unable to agree and decided to leave the important matter of a boundary between English possessions and those of Spain to be settled by their respective governments, which was later done.

From Nootka, both Vancouver and Quadra sailed south to California, the former arriving in San Francisco Bay late in the afternoon of November 14, 1792; the latter had reached Monterey, October 9, 1792. Before Vancouver appeared, however, the *comandante* of the San Francisco Presidio, Alférez Hermenegildo Sal, after a conversation with Quadra, wrote under date of October 31, 1792, to the Spanish governor of California, Captain José Joaquín Arrillaga: "I have at present only one cannon and this an old one." He then suggested that ten or twelve guns should be mounted on the Cantil Blanco—Fort Point—adding that he had asked Quadra for five quintals of powder, which had been granted. The startling portion of the letter was its closing paragraph: "According to his [Quadra's] impression the English want the mouth of the port [San Francisco] as the boundary line. He left convinced that two frigates of that nation would be found at Bodega [Bay]."¹

The location for a fortification suggested by Sal is the same mentioned by Juan Bautista de Anza in his diary of the 1776 expedition, and concerning which Padre Pedro Font wrote in his journal under date of Thursday, March 28, 1776: "This mesa the commander designated as the site for the new settlement and fort which were to be established on this harbor."²

Vancouver's arrival was duly noted by Sal in a letter to Governor Arrillaga, dated November 14, 1792. Attention must be called to a difference of one day between Sal's record and that of Vancouver. Wrote Sal: "I desire to advise you that yesterday at sunset there entered the port the frigate of H. B. Majesty named the *Descubierta* [*Discovery*] under command of Captain George Vancouver which anchored something like a league beyond the Presidio and in front of a place we call Yerba Buena. . . ." He added that the soldier Alejo Miranda had acted as pilot to bring the *Discovery* back to the Presidio anchorage, and concluded with the remark that he had but one cannon and that it had been reverted.³

Fear of possible British action and the defenseless position of San Fran-

cisco—and in fact, all of California—roused the Viceroy of Mexico, Revilla Gigedo. It was determined to fortify the coastal ports at once. On August 17, 1793, we find Governor Arrillaga writing to the Viceroy: "This is to inform you that I have left the Presidio of Monterey for that of San Francisco where I arrived July 27, and where I found the frigate *Aranzaqu*, commanded by Salvador Menendez, who had arrived on the 24."⁴ And in another letter he gives the additional information that: "The *Aranzaqu* carried guns and military stores, also a gunner and a master carpenter. When they are through here, they will go to Monterey."⁵

Again on November 30, 1793, Comandante Sal wrote to Governor Arrillaga, noting this time the arrival in San Francisco Bay of the British barkentine *Chatham*, the consort of the *Discovery*, adding: "I could not salute, having no cannon."⁶ Several months before the *Chatham's* arrival, the gun previously mentioned by Sal had exploded. His cannon is doubtless that spoken of in the next paragraph as being "lashed to a log of wood."

Archibald Menzies, the botanist of the Vancouver expedition, was on board the *Chatham*. In his journal, the original of which is in the British Museum, he wrote: ". . . these vessels had brought some reinforcements to the Settlement, together with a supply of warlike stores & some Ordnance, for eight long brass four-pounders were laying on the Beach at the landing place & a considerable quantity of Shot of different sizes, so that if we might judge from appearances & the great preparations now going forward, they seem to have taken some alarm at the defenseless state of the Settlement, for in our former visit [November, 1792] we only observed one cannon in the whole place and that simply lashed to a log of wood, but we now observed a number of people employed on the eminence on the South side of the entrance clearing away the ground for the purpose of erecting a Battery for the defense of the Harbour & a more suitable situation could not be fixed on, as it perfectly commanded the entrance."⁷

The Spanish records disclose that this fortification, called Castillo de San Joaquin, was begun in August, 1793,⁸ and that thirty neophytes, drafted from the Mission of Santa Clara, were among the workers. Twenty-three yokes of oxen were employed in the hauling of timber, guns and brick, these latter being both burnt brick and adobes.

Writing to Governor Borica, who had succeeded Arrillaga, Alferez José Fernandez Perez, acting *comandante* at the San Francisco Presidio, under date of December 9, 1794, makes known to his superior that the Castillo de San Joaquin had been blessed with all due ceremony the day before and that since the fort was completed he wanted to know what disposition to make of one Antonio Santos, who had reached the Presidio on board the *Aranzaqu*, August 24, 1793, to make tile.⁹ Santos, it appeared, had made all the tile and burnt brick that had gone into the construction of the facing of the Castillo. This was not the only quandary confronting Alferez Perez. He also asked

the governor to advise him what branch of the service should be charged with the cost of the food consumed by the guard and the candles used at the dedication.

A garrison for the new fort was needed, and so we find Governor Borica asking the Viceroy on January 1, 1794, for a captain, a sergeant and eleven men for duty there. At the same time he sent the Viceroy a plan of the Castillo.¹⁰

The \$6,400 the Castillo de San Joaquin had cost the Spanish treasury had produced neither a stable structure nor one entirely suitable from a military standpoint. Storms damaged the fort and rumors of its inadequacy finally reached the Marquis de Branciforte, the then Viceroy, at his palace in the City of Mexico. He demanded particulars and to obtain them instructed Don Alberto Cordova, lieutenant of engineers, to make a report covering all the California defenses. In September, 1796, Cordova forwarded the results of his investigations. Among the faults he discovered was that part of the Castillo was built on sand; and that but two of its guns, mounted in embrasures, faced the front. The then nameless Golden Gate, he found, was 1600 varas in width at its narrowest point—roughly 1450 yards—and since but two guns commanded it, an enemy ship could pass without molestation. Further, the only defense on the south, or land side, was an adobe wall, and most serious of all, the Castillo was dominated by a hill in the rear but 250 yards away. Concerning the thirteen pieces of artillery with which the stronghold was armed, he noted three iron guns—24-pounders—and two iron 12-pounders. In addition, he counted eight bronze guns of the size he called 8-pounders. He stressed a second time the poor orientation of the work and recorded that the garrison consisted of a corporal, six artillerymen and four men. He noted also that if the thirty-eight cavalry soldiers of the Presidio were drawn upon in an emergency—in which they would be of questionable value—this force would provide but three men to a gun. And in summation, Cordova recommended that a new fort should be built.¹¹

For fifty long years, the Castillo de San Joaquin and its guns weathered the storms of winter and the summer fogs. Repairs were frequently made. New *comandantes* came and went. In 1822 the Spanish ensign was replaced by the Mexican tricolor, and then in 1835 Lieutenant Mariano Guadalupe Vallejo removed most of the garrison to his new post at Sonoma, leaving Alferez Juan Prado Mesa with a half-dozen artillerymen in charge. Later, all the regular troops were withdrawn. Both the fort and the Presidio fell into decay. One old man, Corporal Joaquin Peña, was left as custodian of government property. January 7, 1837, he made a report covering matters in his charge.¹² Peña listed eight iron guns—three of them useless, eight bronze guns—one useless, some nine hundred-odd balls, four muskets and some unimportant trifles.

It is more than likely that not long after this inventory was made, two of

the eight bronze pieces were taken to Sonoma. Later in this article, the reason for this supposition will be apparent.

We now come to the year 1846. In late June, the Boston bark *Moscow*, belonging to Joseph B. Eaton and others of that city, lay at Sausalito. Her commander was Captain William D. Phelps, who in 1871, under the pen name of Webfoot, published *Fore and Aft, or Leaves from the Life of an Old Sailor*. July 1 saw John Charles Frémont at Sausalito in pursuit of De la Torre, who had escaped him by transporting his men to the Contra Costa shore, whence they marched to join General José Castro at Mission San José. It will be remembered that the Bear Flag revolt at Sonoma had taken place on June 14, and that on June 25, when the success of that undertaking was assured, Frémont had appeared to give the Bear Flaggers the protection of the Stars and Stripes and to take over the command. His chase after De la Torre followed. To Captain Phelps, Frémont made a request: the use of the *Moscow's* long-boat with its crew. The purpose the brevet captain of Topographic Engineers had in view was the spiking of the guns in the ruinous Castillo de San Joaquin, where many of the pieces lay in the dirt because their carriages had rotted away.

Phelps writes in his book: "From my trade room such tools were selected as would be necessary—such as crowbars, axes and round files to spike the guns with."¹³

The spiking party consisted of Kit Carson, Frémont, Lieutenant Archibald Gillespie of the Marines, the mysterious messenger from Washington, the purport of whose mission Professor Josiah Royce so cleverly unravelled, twenty of the armed survey crew which included Frémont's Delaware Indian bodyguard, besides Captain Phelps himself and the necessary number of his men to man the boat. Phelps quotes Kit Carson as saying at the time: "Cap., I'd rather ride on the back of a grizzly bear than in this boat."

About a quarter of a mile inside Fort Point the boat was beached. The Presidio was deserted. The Castillo was empty. Nothing hindered the successful accomplishment of the spiking party's purpose. Says Phelps:

There were in the fort three brass and seven iron heavy fortification guns; and that they were effectually spiked could be attested by the officers of the *Portsmouth*; for a few weeks afterward, on removing the guns to a new fort on Telegraph Hill, they had much trouble in withdrawing the files from the brass pieces, which was only accomplished by cutting around them and inserting a copper screw bolt with a touch hole bored in it. The party was landed at their camp at "Sausalito" after an absence of about two hours. This was July 1st.

But Captain Phelps neglected to narrate the aftermath of this spiking excursion. Therefore we must turn to his statement of the services he rendered on that momentous occasion:

The United States

To Wm. D. Phelps, Dr.

For services of himself, crew and boats of the barque *Moscow*, of Boston, of which he

was part owner and in command, and being agent of all other owners, and for the risk and hazard incident to such service, in transporting Captain J. C. Frémont and a detachment of men under his command to a fort on the opposite side of the bay and entrance to the port of San Francisco in Upper California in July, 1846, and aiding him in capturing and dismantling the said fort, and spiking the guns thereof, consisting of three brass and seven iron cannon, of heavy calibre, and part of which were afterwards taken on board the United States ship *Portsmouth*, by order of Captain J. B. Montgomery, U. S. Navy—

\$10,000

William D. Phelps¹⁴

This combination bill and recital was certified to by Frémont at Washington City, August 5, 1853, with the comment that he had "always considered his [Phelps's] services on that occasion to have been very valuable to the United States."

By an Act of Congress, passed in 1852, three commissioners were appointed to settle claims arising out of the seizure and occupation of California. Phelps's bill was referred to them, and by them to Archibald H. Gillespie, who, it will be remembered, was present when the *very valuable services* were rendered. The conclusions of the officer of the Marine Corps are incorporated in the following:

I hereby certify that in July 1846, Captain W. D. Phelps did transport a party of men under the command of John C. Frémont from Sausalito across the bay of San Francisco (seven miles) to the fort at Yerba Buena, commanding the entrance to the harbor, for the purpose of spiking the guns of the fort, which was in a very dismantled condition and could not have been occupied without having been almost entirely rebuilt. There was no enemy present, and the sole object Captain Frémont had in view was to prevent the Californians from using the guns at some future time. There was no risk or personal danger incurred, and *the service would be well paid for at fifty dollars*.

ARCHI. H. GILLESPIE

Bvt. Major U. S. M. Corps

Washington, September 19, 1853.

By unanimous action of the board, the sum of fifty dollars was accordingly paid.

Less than a week after Frémont's spiking expedition, the following letter in code was dispatched from Monterey to Captain John B. Montgomery, commanding the sloop-of-war *Portsmouth* anchored in San Francisco Bay:

Flagship Savannah

July 7, 1846

Sir:

Your launch left yesterday. I enclose you two document by which you will see what I have done. I hoisted the American flag here today at 9 A. M. You will immediately take possession of Yerba Buena and hoist the American flag within range of your guns; post up the proclamation in both languages; notify Captain Frémont and others; *put the fort and guns in order*. . . .

J. D. S[LOAT].¹⁵

Montgomery carried out his orders to take possession of Yerba Buena. A force of marines and sailors was landed at 9 A. M. on July 9, 1846, and the

American flag was raised, with all pomp and ceremony, on the pole in the Plaza, later known as Portsmouth Square in honor of Montgomery's ship.

That same evening, Montgomery wrote to Commodore Sloat:

... before the arrival of Mr. Die, your second courier, at 10 o'clock p. m., Lieutenant Missroon, with an armed party of the volunteer guard, were on their way to the presidio and fort, four or five miles distant, to ascertain and report to me their condition, and take inventories of public property. &c. The fort is in a dilapidated condition, but may be repaired and rendered serviceable. For particulars, I have respectfully to refer you to the accompanying report of Lieutenant Missroon. . . . There are two fine 18-pound brass pieces at Sonoma, which might be advantageously planted upon an eminence for the defence of this harbor. . . . I think it advisable, therefore, to remove the two 18's, which can be done with my launch in a very short time; and, in the hope of receiving your order to that effect, I shall commence at once preparing a gallery and platform for their accommodation. . . .¹⁶

Lieutenant John S. Missroon's report to Commander John B. Montgomery is dated Yerba Buena, July 9, 1846:

Sir:

I have the honor to report that, in obedience to your order, I proceeded to the fort at the entrance of the harbor, about four miles distant from the town, accompanied by Purser Watmough, the late Vice-consul Leidesdorff, and several volunteers, and displayed the flag of the United States upon its ramparts, calling on our way at the Presidio, where I had understood that one or more cannon were mounted; no cannon, however, were found there, and it is certain that they have been lately removed; nor were there any of the usual residents there.

The walls of the fort are badly rent in several places, yet they are capable of sustaining and rendering good service. It would be an improvement to dig a ditch in the rear, and to build a wall connecting the two terminating ends of the work. But to render the fort tenable in case of approach to it by land, it is *indispensable* that a work be thrown up on the eminence which commands it, about four or five hundred yards immediately in its rear, otherwise it is at the mercy of an enemy on the land side. [See ante; Cordova's report.] The platform is decayed and should be removed entirely. The barracks in the centre is in a dilapidated state.

There are three brass guns (12's and 18's) old Spanish pieces, made in 1623 [?—should be 1673], 1628 and 1693, besides three long iron 42's and four smaller iron guns. All of these iron guns have been lately spiked by Captain Frémont, except two unserviceable and dismounted iron pieces. New vents may be drilled in the brass pieces. . . .¹⁷

July 11, two days later, Montgomery, in a letter to Sloat which Missroon signed for his superior, who was ill, says:

I am endeavoring to clear the vents of the brass guns of the fort, and hope to succeed. Tomorrow I hope to recover the brass 12-pounder, which I learn was buried in the sand at the Presidio; and also an iron 6-pounder, said to have been buried at the mission Dolores. . . .

Yesterday I sent a summons to the military commandant of this district, Don Francisco Sanchez, to deliver up the arms and other public property in his charge, and gave him an invitation to come in today, which he accordingly did. He stated that he possessed no property of a public description, except his knowledge of where several guns were buried. One of his attendants will point out the places of burial. . . .¹⁸

Again Montgomery wrote to Sloat:

U. S. Ship Portsmouth
Yerba Buena, July 17, 1846

Sir:

Your telegraphic despatch [meaning simply that the message was written in a number code, use being made of the Naval Telegraphic Dictionary] of the 12th instant, concerning the 18-pounders, &c. . . . Your instructions shall be carried out. It will require three trips of the launch to transport the heavy articles, occupying ten or eleven days in all in the execution of the duty. . . . We are digging a gallery for the long brass pieces at a point commanding the anchorage of this place; but, with a very reduced crew, including sick and prisoners, upwards of thirty short, marines on shore, and boats absent frequently on distant duty, we cannot progress as I could desire. . . .¹⁹

And on the next day—July 18, 1846—Captain Montgomery addressed a communication to Captain John Grigsby, then in command of the armed force occupying Sonoma:

" . . . Being directed by Commodore Sloat to remove the two brass 18-pounders from Sonoma, and two 6-pounders to this place, I shall send my launch up on the first trip for that purpose on Monday, the 20th instant. . . ."²⁰

And on the 20th, Montgomery wrote again to Commodore Sloat:

" . . . We are progressing very well with the new fort, for the number of hands we are enabled to employ on it, and I have in view to erect a block house also, in a position to overlook the fort and command the town and hills in its rear. The estimated expenses of both, \$148. My launch started this morning on her first trip to Sonoma, for the guns. . . ."²¹

Zoeth Eldredge, in his *Beginnings of San Francisco*, says:

Lieutenant Missroon landed a party of blue jackets from the *Portsmouth* and constructed a battery at Punta del Embarcadero (Clark's Point). The work was begun about July 17th. High on the steep bluff facing the bay Missroon excavated a terrace whereon he mounted a battery of five guns. [In a footnote these five pieces are inventoried as two brass guns from the old Spanish fort; two from Sonoma, and one brass twelve-pounder dug up at the Presidio where it had been buried.] This was called "the battery" and gave its name to Battery Street, whose lines intersect it at Broadway. It was later called Fort Montgomery. The battery was in existence as late as the fall of 1849.²²

At page 685 of the fifth volume of his *History of California*, Bancroft says: "The battery, or Fort Montgomery, of 1846, which gave a name to Battery St., was in the next block north [i.e. between Vallejo and Green sts.], between Battery St. and the water, at the foot of the hill." John Henry Brown, proprietor of the Portsmouth House, San Francisco's first hotel, and author of *Reminiscences and Incidents of Early Days of San Francisco*, a work without parallel for interest and oddity, remarks: "They also cut a road and built a Fort, some distance below Clark's Point, which is now known as the lower end of Battery Street, from which it took its name. In this Fort there were five mounted cannons, brought from the old Mexican Fort."²³

How these ancient guns found their way back to the Presidio after 1849, we have no means of knowing, but in 1870 Major George H. Elliot, writing in the April number of the *Overland Monthly* under the title of "The Presidio of San Francisco," says:

At Fort Point nothing remains of Fort San Joaquin, save a few ruins of one of its exterior *adobe* houses. We have in our possession a plan of the old fort. Its form is that of a horseshoe: about one hundred and twenty feet long by one hundred feet wide; the parapet, ten feet thick. The site has been excavated away for the present casemated fort; and the summit of the bluff on which it stood was about the level of the top of the present unnamed fort at Fort Point.

Four of the old Spanish guns now serve as "fender posts" at the sally-port—curious old guns, of the date of 1673.

The destruction of the remains of the old Castillo de San Joaquin was incident to the building in 1853-54 of the brick fortification, which the authors of the *Annals of San Francisco* describe as "The fortress at Fort Point . . . [which] will present one hundred and fifteen guns of eight and ten inch calibre, in four tiers."²⁴ Today, this immense work in which San Francisco once gloried is not only abandoned as obsolete, but its once majestic proportions are dwarfed by the awe-inspiring dimensions of the Golden Gate Bridge, whose approaches rise above it.

To the San Francisco *Call* of Sunday, September 12, 1897, John E. Bennett contributed an article concerning San Francisco's ancient cannon. In it, sketches of the bronze pieces show their condition at that date. Three are mounted on wooden carriages, one lies on the ground, while two serve as fender posts at the entrance to the commanding general's quarters at Fort Mason. The writer states that Major General Irwin McDowell brought these ancient relics together at Fort Mason in order to preserve them, having found them scattered at different posts about the bay: the Presidio, Fort Point, and Fort Mason. This must have taken place during the General's last tour of duty in San Francisco, which extended from 1876 to 1882.

Having traced the history of these ancient cannon from the time of their appearance in San Francisco to the present, we may now examine the guns themselves and let them reveal their identity and origin. In order to do this, the schedule here presented, showing location, distinguishing marks, etc., will be of assistance.

<i>Location and Number</i>	<i>Maker's Name</i>	<i>Coat of Arms</i>	<i>Date of Casting</i>	<i>Name of Gun</i>
Fort Mason, lawn in front of General's Quarters. No. 1	D. Jose H D Cubas Me FCID	Don Melchor de Navarra y Rocafal, Duke of Palata, Prince of Masa, 26th Viceroy of Peru.	1684	San Martin
Fort Mason, driveway of General's Quarters. No. 2	Alexo De Texeda	Don Diego Fernandez de Cordoba, Marquis of Guadalcasar, Conde de las Posadas, 17th Viceroy of Peru.	1628	San Domingo

<i>Location and Number</i>	<i>Maker's Name</i>	<i>Coat of Arms</i>	<i>Date of Casting</i>	<i>Name of Gun</i>
Presidio, north gun on lawn, S. W. cor. parade ground. No. 3	Cubas Me Fecit	Don Baltasar de la Cueva Henriquez y Saavedra, Count of Castellar, Marquis of Malagon, 24th Viceroy of Peru.	1679	San Francisco
Presidio, south gun on lawn, S. W. cor. parade ground. No. 4	Cubas Me Fescit	Don Melchor Puertocarrero Laso de la Vega, Count of Monclova, 27th Viceroy of Peru.	1693	La Birgen de Barbaneda
Presidio, west gun, Officers' Club entrance. No. 5	S S Cubas Me Fecit	Inscription to Royal Audience in place of coat of arms.	1673	Poder
Presidio, east gun, Officers' Club entrance. No. 6	Antonio de Riva	Inscription to Royal Audience in place of coat of arms.	1673	San Pedro

In addition to the name, date, coat of arms or inscription, each of the six guns bears a large coat of arms of Spain near the breech. While the identity of the armorial bearings of the various Peruvian viceroys is given in the schedule, it was only after diligent search that their identification was possible. The clue to this bit of intensive investigation was contained in the inscriptions which appear on guns No. 5 and No. 6, and which read as follows:

GOVERNAN
DOLOSSENO
RESEDLARE
ALAUDIEN
CIADELIMA

When these letters are divided into words, we have the sentence in Spanish: *Governando los Señores de la Real Audiencia de Lima*, which in English is, "The gentlemen of the Royal Audience of Lima, governing."

It was this mixture of letters which amused the late Major Elliot, and which, in his article in the *Overland Monthly*, cited above, he thought might engage an evening of the reader's family in an endeavor to unravel.

It will be noted that gun No. 5, one of the two carrying this wording, was made by Cubas, as were likewise the guns we have numbered 1, 3 and 4. All of these bear coats of arms in addition to the arms of Spain. It was therefore apparent that Cubas, the gun founder, might have conducted his business at Lima, and if such were the case, the history of Peru might disclose the reason for substituting an inscription for a coat of arms, especially when the wording given above was taken into consideration. A reference to Colonel Don Antonio de Alcedo's *Geographical Dictionary*, the English translation of which was published in London in 1812-14 in five volumes, disclosed several important facts. Between the years 1672 and 1674, Peru had no viceroy. The 23rd viceroy, Don Pedro Fernandez de Castro y Andrade, had died in 1672, and it was not until 1674 that his successor, Don Baltasar de la Cueva Henriquez y Saavedra, assumed the reins of office. During the interregnum, the Real Audiencia, or Royal Audience, a sort of Council of State, was the governing body, and it was at this time—1673—that Cubas cast the gun we have numbered 5.

This problem then presented itself. Could these coats of arms on guns 1 to 4 be those of Peruvian viceroys? Alcedo, in his comprehensive article on Peru, had set forth a complete list of the viceroys of Peru. The guns were all dated. It was easy therefore, to pick those viceroys from the list whose duration of office coincided with these dates. Nothing remained but to compare their armorial bearings with those on the guns in question. Then followed a long and tiresome search among works on Spanish heraldry in the libraries of the University of California. Happily, the guess was correct, and the poring over the ancient volumes just mentioned resulted in confirmation. San Francisco's ancient cannon were cast in Peru. Concerning how or when they were sent northward to the arsenal at San Blas, Mexico, from which the frigate *Aranzazu* brought them to California in 1793, we may forever remain ignorant.

Several other facts are made plain by close examination of these lethal weapons. Latin scholars will conclude that Senor Cubas lacked a grounding in that tongue, for he not only misspells "fecit" on guns No. 1 and No. 4, but he uses a singular verb with a plural subject in his inscription on gun No. 5. And gun No. 6 still has the remains of one of Captain Phelps's files in its vent, mute evidence of Frémont's spiking.

It also appears possible to determine the identity of the guns which Lieutenant Missroon mounted in 1846 in the battery, sometimes known as Fort Montgomery, overlooking the anchorage in Yerba Buena cove. When gun No. 6, which is still spiked, is discarded, we have five cannon, the exact number which made up Missroon's fortification. Of these five, three should bear

no evidence of spiking, for two of them must have come from Sonoma, and the third should be the smaller gun, the 12-pounder, whose burial place in the Presidio was revealed to Missroon by Francisco Sanchez. Gun No. 1, San Martin, is certainly the buried cannon.

In his report to Captain Montgomery, Missroon listed three brass guns, all spiked, that he found at the Castillo de San Joaquin. These, he said, were dated 1623, 1628 and 1693. This was an error; doubtless he mistook a "7" for a "2." His 1623 should have been 1673, which is the date of gun No. 6 on our list, which we find still spiked with one of Captain Phelps's files. Both the 1628 and 1693 guns, numbers 2 and 4 on our list, bear evidence of reventing. Therefore, the Sonoma guns must be those named San Francisco and Poder, numbered 3 and 5 in the schedule.

Some speculation has been had regarding the name of gun No. 4: La Birgen de Barbaneda. With the Spanish, "B" and "V" are interchangeable; hence the name becomes La Virgen de Barbaneda, or the Virgin of Barbaneda.

This brief history of San Francisco's ancient cannon through the centuries should enable us to realize that they are priceless possessions which link us to a romantic and picturesque past.

NOTES

1. St. Pap. Sac. MS., Bancroft Library, Vol. I, 119.
2. Bolton, Herbert E., *Anza's California Expedition*, Vol. I, 394.
3. St. Pap. Sac. MS., Bancroft Library, Vol. I, 116; Vancouver's *Voyage de Découvertes*, Vol. II, 9 *et seq.*, and 500 *et seq.*
4. Prov. St. Pap. MS., Bancroft Library, Vol. XXI, 109.
5. *Ibid.*, 113.
6. St. Pap. Sac. MS., Bancroft Library, Vol. I, 119.
7. "Menzie's California Journal," California Historical Society *Quarterly*, Vol. 2, 306.
8. Bancroft, *History of California*, Vol. I, 698 *et seq.*
9. Prov. St. Pap. MS., Bancroft Library, Vol. XII, 26.
10. Prov. Records, MS., Bancroft Library, Vol. VI, 35.
11. Prov. St. Pap. MS., Bancroft Library, Vol. XIV, 81-83.
12. Eldredge, Zoeth, *The Beginnings of San Francisco*, Vol. II, 722.
13. Phelps, Capt. Wm. D., *Fore and Aft, or Leaves from the Life of an Old Sailor*, Nichols & Hall, Boston, 1871, 290 *et seq.*
14. Eldredge, Zoeth, *op. cit.*, Vol. II, 712-13.
15. *30th Congress, 2nd Session, Ex. Doc. I*, 1015.
16. *Ibid.*, 1016.
17. *Ibid.*, 1018.
18. *Ibid.*, 1019.
19. *Ibid.*, 1027.
20. *Ibid.*, 1031.
21. *Ibid.*, 1030.
22. Eldredge, Zoeth, *op. cit.*, Vol. II, 542-43.
23. Brown, John Henry, *Reminiscences and Incidents of Early Days of San Francisco*, reprint, Grabhorn Press, S. F., 1933, ed. Douglas S. Watson, 35.
24. Soulé, etc., *The Annals of San Francisco*, 545.

THE LAW AND ORDER VIEW OF THE SAN FRANCISCO VIGILANCE COMMITTEE OF 1856

*Taken from the Correspondence of Governor J. Neely Johnson
Arranged for Publication by*

HERBERT G. FLORCKEN

PART II

Apparently the Governor was carrying on an extensive correspondence with Judge Terry at this time, relying upon him, as he later relied upon General Kibbe, to keep him informed as to the state of affairs in San Francisco. The copy of one such letter was kept by Governor Johnson. Its contents show that he was aware of and afraid of Terry's violent nature.

GOVERNOR JOHNSON'S LETTER TO TERRY²⁹

Executive Department
Sacramento City, Cal.
June 10th, 1856

My Dear Sir

Yours of yesterday is at hand. I have this day forwarded to Gen Howard orders in connection with Genl Kibbe to make arrangements for the various matters you speak of; in the meantime you must exercise caution in provoking a conflict at this juncture of affairs when we are not ready for action. The result would be suicidal in the extreme and defeat all hopes or expectations of success. Proceed in organizing and arming such forces as can be relied on for the emergency. Can't we buy any muskets in San Francisco for the use of the State, cant they be procured from the same sources the V. Cs procure? No answer from Genl Wool yet, in reply to my communication of last Saturday.

Write me daily.

Truly Yours,

J. NEELY JOHNSON

To Judge Terry
S. Francisco

That the Governor took the criticisms of his conduct at Benicia very seriously is shown by the four following letters. That of J. B. Crockett (who, being out of town when the Governor's letter arrived, did not answer the Governor

until June 20) would seem to indicate that the Benicia meeting was carried on in a dignified manner.

GOVERNOR JOHNSON'S LETTER TO GENERAL KIBBE³⁰

Sacramento City
June 10th, 1856.

My dear Sir:

Yours of yesterday is at hand and the fact that I have so many demands on my time only precludes me from writing you more fully my views in relation to existing difficulties at San Francisco. One thing is quite evident, *now* we are not prepared to *enforce* the requirements of the state authority and really from the tone and temper of the people and our own inefficient supply of arms and ammunition we are perfectly powerless in resisting the encroachments and usurpations of this lawless and law defying body of men. It would at the present juncture of affairs be utterly impossible to make a successful attack on them and would involve destruction not only of those who become the assailants—but also of the entire fabric of our State Government—therefore all we can do is to go on as rapidly as possible in collecting arms and organizing a force which when sufficiently powerful to cope with and overthrow the enemy—make a strike certain and effective. The conduct of Old Granny Wool is contemptible in the extreme and is deserving of the severest censure and condemnation of all law-abiding and law regarding citizens. His duplicity and falsehood shall be faithfully and truly represented to his Government at Washington, and we will see whether the Pacific Coast shall be longer disgraced by one so unworthy of confidence and credit.

By all means our forces must be guarded against excesses of every kind and be counselled to refrain from provoking a conflict by becoming the assailants. In the meantime I will order from distant parts of the State the arms which have been distributed to volunteer Companies.

We are in the right—with the Constitution of our Country to uphold and maintain and to recede from the reasonable demands contained in my Proclamation would be a dishonor to which death would be preferable.

The contemptible scribblers of the dirty sheets that are so constantly by falsehood and defamation serving to inflame the public mind and divert it from the true issue—have in the future—a fearful account to render at the Bar of public opinion—in the judgement and estimate of all really good citizens and sure will be their punishment and disgrace.

Yours very respectfully,

J. NEELY JOHNSON

To Genl Kibbe S. F.

THE GOVERNOR'S LETTER TO CROCKETT, PEYTON, ET AL.³¹

Hon. J. B. Crockett
 " Bailey Peyton &
 Capt. E. W. P. Bissell
 Gentlemen,

Executive Department
 Sacramento City Cal.
 June 11th, 1856

I enclose to you a printed slip taken from one of the San Francisco papers of what purports to be a true statement of the result of an interview had with yourselves and other gentlemen representing certain citizens of the City of San Francisco and myself at Benicia on the evening of the 7th Inst. Also the Comments of said paper (The Globe) of a request alleged to have been made by Col. Crockett—to wit—"that I should withdraw my Proclamation"—My recollection of that interview and which I doubt not you gentlemen will sustain by your own testimony—was the very opposite—Says Col. Crockett "We will not nor do not ask you to withdraw your proclamation." This statement of "The Globe" has gone uncontradicted and in the absence of any statement relating to it from ourselves is generally believed.—Now I simply as an act of justice to me desire you to contradict it and as a very material point hope you will with the same degree of publicity which was given your original statement relate the remarks made by Col Crockett on that point. There are also other misstatements of that and kindred papers which I will not now allude to you.

Very Respectfully,

Your Obt Svt

J. NEELY JOHNSON

PEYTON AND BISSELL'S ANSWER³²

San Francisco June 12, 1856.

His Excellency
 J. Neely Johnson
 Governor of California
 Sir

We have the honor to acknowledge your communication of yesterdays date addressed to the Hon. J. B. Crockett and ourselves enclosing a slip from the Globe newspaper and requesting that we should publicly contradict an editorial statement therein contained to the effect that Col. Crockett in the interview at Benicia requested you "to withdraw your proclamation," and in the absence of Col. Crockett who is at the Napa Springs, beg leave to call your attention to a publication the Committee caused to be made of what transpired on the occasion referred to, which you will find in the said slip from the Globe and other papers.

In order to prevent misunderstanding and correct in advance misrepresentations, we deemed it due to all concerned that a statement of the facts just as they transpired should be published.

We have no hesitation in stating that Col. Crockett did not at said interview request that you should withdraw your Proclamation but only that you should pursue a conciliatory course and not precipitate a crisis that would involve the city and State in a civil war.

You have our permission to publish this if you see fit to do so, and remain,

Very Respectfully

Your Obed Servts

BALIE PEYTON

G. W. P. BISSELL

THE REPLY OF CROCKETT³³

San Francisco, 20th June 1856

His Excellency

J. Neely Johnson

Governor of California

Dear Sir,

I understand that a letter was addressed by you to myself, Col. Peyton and Mr. Bissell some days ago requesting a statement of our recollection of the facts as they transpired at the interview at Benicia between yourself & the committee of citizens of which we were members.

On the arrival of the letter I was absent from the city and since my return, have had no opportunity to obtain it, Col. Peyton in whose possession it is, being at Benicia in attendance on the court. I have therefore not seen the letter; but learn that you desire a statement of what occurred at the interview, in order to avoid misrepresentation, as to your conduct on that occasion. I shall proceed therefore to state my recollection of the occurrence, premising however that I preserved no notes of the transaction & rely wholly on my memory for the accuracy of my statement.

Soon after your arrival at Benicia, we were informed by Genl. Sherman, that you were at the Solano House and was ready to receive our deputation. We immediately proceeded in a body to your hotel, and finding a number of persons congregated about the door, I was in the act of enquiring the way to your room, when Governor Foote and Col. Peyton, stated in my hearing, that they had just been informed by Judge Terry and Genl. Howard that whatever communication we desired to make to you must be in writing. I did not personally hear what was said by either Judge Terry or Genl. Howard; but on receiving this information, our committee at once procured a room, and addressed to you a note, requesting a personal interview, having previously decided, that if this was not accorded to us, we would withdraw, without pro-

ceeding further in our mission. The note was sent to you by several members of our committee, who immediately reported to us, that you were ready to receive us in the parlor of the Hotel. When we entered the room, there were present the persons mentioned in the published card of Capt. Bissell.

After sitting a few minutes, I rose and stated to you in substance that we had come to consult with you in relation to the alarming condition of affairs in San Francisco. That we were, none of us members of the Vigilance Committee, and did not come as a deputation from that body; but simply in our capacity of citizens, feeling a deep interest in the peace and welfare of the community, and desirous if possible to restore the public tranquillity and harmony. That with this view, we had on that day, sought and obtained an interview with the Executive Committee of the Vigilance Committee and had submitted to that body a proposition to the effect, that they should exhibit no armed force on the streets; that after three days, they should distribute their arms, and dissolve their military organization; that they should resist by force of arms, no process from the Courts, and that on the following Tuesday, they should publish a notice that their body had adjourned *sine die*.

That we had urged upon the Executive Committee, the acceptance of our proposition; and that just as we were leaving San Francisco we had been officially notified, that the committee had consented to exhibit no armed force on the streets, and to resist no writ of Habeas Corpus issued by the legal tribunals. But that no action had been had by the Committee, as to the remainder of our proposition. That our interview with the Committee was had at so late a period in the day, that a sufficient time had not elapsed before our departure, for so numerous a body, as the Executive Committee, to have discussed, and decided upon, the proposition which we had submitted. But we had just reason to hope, that our proposition would be accepted, if not literally, at least in substance; or that at all events, some satisfactory adjustment might be made, with a little delay. That the object of our mission under these circumstances, was to ask that you would not precipitate a crisis by any hasty action. That in our opinion a few days delay, would avert the imminent peril in which we stood, of having our streets drenched in blood, and involving the whole state in a civil war. That we asked you to do nothing which would tend to lower the dignity of your office—but that in our judgment, its dignity would be best maintained, by exercising its functions, under existing circumstances, with moderation and forbearance. That we did not ask you to withdraw your proclamation, nor to retract anything you had done; but simply to forbear for the present, such action as would tend to bring on a collision, which in our opinion might be avoided by a delay of a few days.

According to my best recollection, the above is a full and fair statement of the substance of my remarks on the occasion; and now I learn that you understood me as saying that our committee did not, and could not with propriety ask you to withdraw your proclamation. In other words that the committee

admitted, it would be improper for you to withdraw it. If my language admitted of such an interpretation, it was contrary to my intention; inasmuch as I had no authority to pledge the committee, as to the propriety or impropriety of withdrawing the proclamation. Before our interview with you, we had decided simply to ask that you would forbear to press matters to a crisis, until it could be seen what effect a few days delay would have toward restoring the public tranquillity; and this was the proposition which I sought to enforce. I will not undertake to say that I might not have employed language better adapted to convey my meaning, than that which was used; but if it justly admitted of the interpretation, which I learn you have placed upon it, the fault was mine, in not having employed a more apt phraseology to convey my meaning. We had understood before going to Benicia that General Wool had consented to furnish arms for the Militia, and we feared an immediate collision might take place, unless some delay was granted, and it was with the hope of procuring this delay, that we went to Benicia, believing that in the meantime, some satisfactory basis, might be agreed upon, for restoring public tranquillity.

Very Respecty,

Your obdt servt

J. B. CROCKETT

About this time an interesting event occurred in Sacramento. The mass of the citizens there were in sympathy with the Vigilance Committee but were afraid that if it lasted too long it might become permanent. The business men of that city therefore appointed a delegation to go to San Francisco to see what was really going on. Their leader was John B. Harmon. But before doing so, they circulated a petition calling upon Governor Johnson to withdraw his proclamation of June 3 in which he had declared San Francisco to be in a state of insurrection.

THE SACRAMENTO PETITION³⁴

To His Excellency J. Neely Johnson
Governor of California

In View of the imminent Peril which threatens the peace and tranquility of the City of San Francisco and the whole State, the undersigned Citizens of Sacramento would Respectfully but most Earnestly submit for your consideration the propriety of Revoking your Proclamation of the 3d. inst. declaring said City of San Francisco to be in a State of Insurrection, and ordering out the Militia of the State to Enforce obedience to the Laws. It is not our purpose to discuss the wisdom or propriety of the late proceedings in said City of San Francisco, which have already caused so much excitement, but as good Citizens, solicitous for the Peace and welfare of the whole State, and desirous, above all things to avert, if possible, the disgrace of an armed Conflict between Brethren, and the spilling of innocent Blood, we would Respectfully state, it

is our firm Conviction, that if the Contemplated Military organization were now to cease, the Public tranquility would be immediately restored, and no occasion would be likely to arise requiring a military force to compel obedience to the Laws and Processes of the Courts, but in the present excited State of the Public mind, if a military force be organized, even the most trivial causes, and which the most discreet and skillful Officers could not control, might at any moment involve us in the horrors of a Civil War, and Drench the Streets of said City of San Francisco and other Cities and towns throughout the State in Blood.

We therefore Respectfully, but in the most Earnest manner, Entreat your Excellency to Recall your Proclamation, and to forbear for the present the contemplated organization of the Militia.

This petition was signed by over 2,000 people, among them Edgar Mills, E. B. Crocker, H. K. Stowe, Humphrey Griffith, G. Backus, Jacob Z. Davis, Wm. J. Keating, W. B. Mack, A. K. P. Harmon, John B. Baker, S. M. Bailey, Louis B. Sloss, C. G. Caldwell, Baker & Hamilton, Wells Fargo & Co., E. P. Hastings & Co., Wm. McDougall, Chas. Crocker, Rufus Rigdon, W. D. Priestley, Gosham Blake, Dexter Moo, G. W. Prescott, Simon Cushing, Hooker & Co., W. B. Carr, Wm. J. Moffat, P. B. Cornwall, Frank Hopkins, I. E. Oatman, Louis Sloss & Co., Charles Colburn, John Ratherchucker, C. P. Huntington, Eli C. Lathrop, Mark Hopkins, Le. Stanford (of S. Bros), G. H. Cushing, Samuel Hill, George Elder, John R. Ridge, James I. Collier.

When this petition was presented to Governor Johnson he said,

"Gentlemen, which do you think is the more proper—for you to come here and ask me, the governor of the State, to yield to a set of men who openly defy the constitution and laws which I am sworn to defend, or for you to go to San Francisco and ask those men to give up their illegal and dangerous association?"³⁵

The delegation went to San Francisco where they were met by William T. Coleman who assured them that when the Committee's work was done they would disband, but not before. They were much impressed by what the Vigilantes had accomplished, and returned to Sacramento firm in the conviction that the Vigilance Committee was a greater institution than they had believed it to be before their visit.

The uncertainty and the worry concerning the possible outcome of this interview between the Sacramento business men and the leaders of the Vigilance Committee caused General Howard to write as follows to the Governor:

HOWARD'S LETTER TO THE GOVERNOR³⁶

San Francisco

June 16, /56

My dear Sir,

Mr. Wistar and Mr. Phillips will go up to day. I wish you to issue an order

to deliver them the arms, at Sacramento, which Judge Terry informs me are to be sent here. They had better be put on the Steamer and Sent to Benicia. I would suggest that you would then give to these gentlemen a requisition on Genl. Wool for the arms due the State. A schooner will go up from the Penitentiary and receive all the arms, and bring them down, together with [illegible word] and a quiet guard.

I trust, the money arrangements will be made at once. I shall be greatly disappointed, if the bonds do not come down to-night. The Vigilance Committee are now alarmed, and the only policy is to do enough to keep it up. It will never do to let them know that they are not constantly in danger of an attack; neither will it answer to make one. We ought to be in camp to some extent before the Steamer leaves, that we may make a showing to the President of being in an actual State of War. It is also necessary to have some substance, blankets &c. in order to keep our men from thinking it is all mere *brutemfulmens* [?] I think also, it is necessary to have our men in some sort of camp or barracks in order to avoid the danger of an accidental conflict; but I am quite certain the Committee do not intend to take offensive measures. Their position will not permit such a course. A circumstance occurred last night which might have proved serious. A man by the name of Cusick, who has been ordered off, and against whom I cannot learn that there is any well founded charge, demanded a trial of the Committee by letter which they refused but sent to arrest him. He ran to one of the armories, and the men took him in, in short rescued him; but the Com. did not dare to use force. He was put in the jail, and finally sent up the Bay to Sac. Some of our friends are anxious that you should make an application to Genl. Wool to protect him, either by sending him down to the Genl. or by writing. Of the propriety of that, you must be your own judge. I think Wool will refuse, and in that case, Cusick must keep out of the way. One of the others have waited on me, and I have advised them to that course.

I hope you will return a firm answer to the report of the Sac. Committee. It will never do to negotiate with them. It is better to hold the ground that they must disband, and send a requisition on the President and hold still until it arrives; but keep up such a show of preparation as will keep them in constant alarm. If they do not return a satisfactory answer to the Com. it should be understood that, the order to me to act on the defensive is withdrawn. It will make no difference in the prudence of my course, but the constant duty they are obliged to perform is wearing them down. They feel relieved from this by the report, that, they are in no danger of an attack. Again, the expense of a large force, is breaking them all. We must so manage as to keep up apprehension.

I think, the plan is, that, if they do not accede to the request of the Sac. Com. for me to issue an order to the Volunteers to hold themselves in readiness to march on short notice, together with an address to the volunteers. This will

keep up the spirits of our own people, alarm the others, and put them to expense, get them by the ears, in short break them down.

Of one thing I am clear. The ring-leaders of the Com. must be arrested, indicted and punished. It will never do to let this affair go without an example. If you do, a Vigilance Committee will become an ordinary remedy. We must, therefore, proceed until we are strong enough to accomplish the arrests by civil process. Never compromise that point with the Com. The dignity of the State and the laws must be vindicated as soon as possible, but we must not move until we can command the result. This is a mere matter of time. The ultimate success with prudence is beyond question.

Yours, truly,

V. E. HOWARD

His Exclty. J. Neely Johnson

That same day, despairing of obtaining federal arms and ammunition from General Wool, the Governor determined to make preparations for his appeal to the President of the United States. To raise the money necessary to finance this appeal and for like uses, he wrote to Howard, Terry, Douglass, Rowe and Whitman, constituting them an official committee for that purpose.

APPOINTMENT OF LOAN COMMITTEE³⁷

Executive Department
Sacramento City, Cal.
June 16th, 1856

Gent.

It is quite evident from the position matters have assumed in the City of San Francisco, that we must adopt the most expeditious plan possible by which can be raised a sufficiency of arms and ammunition to equip the State forces to be used in supporting and maintaining the Constitution and Laws in the City of San Francisco now set at defiance by the so-called Vigilance Committee. This occurs to me can be accomplished only by sending one or more agents to Washington City, to obtain an order for such as are wanted for the purpose. To do this requires some money say Twenty Five Hundred Dollars—also the expenses incident to other operations in the same connection, that is, organizing and equipping the military will require a considerable sum in addition—say at the present time some Twenty or Twenty-Five Thousand Dollars. I know not what evidence of indebtedness will be required by those with whom the Loan can be negotiated, and I therefore leave that matter to be arranged by you. I therefore Constitute a Commission consisting of D. S. Terry, Volney E. Howard, D. F. Douglass, G. W. Whitman and E. A. Rowe to negotiate a loan not exceeding (for the present) Twenty Five Thousand Dollars to be used as a fund to suppress the existing Insurrection in the City of San Francisco—the same to be negotiated on the best possible terms for the State and to be dis-

bursed by the order of Genl Volney E. Howard or myself. Any three of you gentlemen named are authorized to act in arranging such negotiation, and I will sign such evidences as may be required by [of] me on the part of the State.

Very Respectfully

Your Obdt. svt.

[J. NEELY JOHNSON]

To Messrs. Howard, Terry,
Douglass, Rowe & Whitman

The Governor at the same time appointed two of his closest friends to carry his appeal to Washington, and then carefully wrote out his side of the story of the Vigilance Committee uprising to be handed to the President. Among the Neely Johnson papers is the rough draft of this letter, erased, crossed out, changed, showing the care taken by Johnson to use just the right words to convey his point of view.

THOMPSON'S APPOINTMENT³⁸

Executive Department
Sacramento City, Cal.

June 18 1856

Sir:

You are hereby deputed on behalf of the State of California to proceed by the most rapid means of conveyance to the City of Washington and make application to the President of the United States for the use and service of such arms and ammunition—together with the aid of the Naval and Military force of the United States as may be required by the Executive of this State in the suppression of the existing insurrection in the City of San Francisco and also to perform generally such duties as may be deemed proper and necessary in the prosecution of such mission.

In the performance of this duty you will be aided by Col. F. Forman of this city who is appointed by me to the performance of similar services. I will transmit by him the necessary papers relating to the subject. I regret to say the arrangements which it was believed could be perfected whereby a sum of money could be placed at your disposal have proved unsuccessful thus far—and reliance will have to be had on the faith and credit of the State for the repayment of your expenses—also the value of the services to be rendered by you two gentlemen. I will write you more fully my views on to-morrow.

Very Respectfully

Your Obdt Svt

J. NEELY JOHNSON
Gov. Cal.

To,
Hon. [R.] A. Thompson
[San Francisco]

FORMAN'S APPOINTMENT³⁹

Executive Department
Sacramento City, Cal.
June 18th, 1856

Sir:

You are hereby directed and appointed to proceed to the City of Washington and on behalf of the State of California to present an application for the aid of the United States Government—with arms and ammunition—together with their Naval and Military forces to assist in the suppression of an existing insurrection in the City of San Francisco—also to use such proper and legitimate measures as may be necessary to accomplish the objects of such mission. You will be assisted in the purposes of your mission by Judge R. A. Thompson of San Francisco.

On behalf of this State I propose that your legitimate expenses of the trip whilst absent on this business be paid—and will endeavor to have an allowance made for the purpose by the Legislature.

Very Respectfully

Your Obt Svt

J. NEELY JOHNSON

To Col. F. Forman

JOHNSON'S APPEAL TO PRESIDENT PIERCE⁴⁰

Executive Department
Sacramento City, Cal.
June 19th, 1856

Sir

In view of the existing condition of affairs in the City and County of San Francisco in this State, I am constrained to call upon the General Government through the intervention of Your Excellency for aid and assistance in the enforcement of the laws of this State, and that you may the better understand the propriety of readily granting such request, I would beg leave to present a brief recital of events which have recently transpired and rendered necessary such application.

As early as the 16th of May last an organization styling themselves Vigilance Committee was formed in that City, secret in its character and to the uninitiated its purposes unknown, except as their subsequent acts have developed themselves. Although the presumption is that the organization had its origin in the events connected with the shooting of Mr. James King by one Casey on the 14th of the same month. Apprehensions were entertained from the incendiary appeals of the Press and the Public excitement that an attempt would be made to attack the jail where Casey was confined and rescue him from the officers of the law and deal out summary punishment to him—in fact

an effort was made so to do by a mob prior to this organization—but was resisted successfully. In the meantime the Mayor had called in the Military forces of the City numbering some ten Companies for assistance—the sheriff did his utmost to obtain the aid of a Possee capable of resisting an anticipated attack—It was found that the response in both cases was but limited—Not more than fifty or sixty of the Military could be depended on—Several Companies disbanded—joined the Vigilance Committee—forcibly placed in the possession of that organization arms and accoutrements (including the only two pieces of artillery belonging to the State) which had been issued to them as Volunteer Companies by the State—and not one in ten of those summoned by the sheriff would obey his call. It seemed as if a panic had seized upon the people—and the fear of this formidable organization impelled law abiding and law observing citizens generally to shrink from the responsibility resting on them as citizens owing obedience to the Constitution and Laws of the State.

On the 17th of the month—when it was manifest—that neither a Military or Citizen force could be obtained to aid the sheriff in defending the jail—an armed body estimated at 3 or 4 thousand marched up there and demanded the delivery of two prisoners, Casey and Cora—the sheriff was powerless—The few men he had about him would have constituted no impediment in the way of these superior numbers—and resistance was useless—He was forced to give up the prisoners—A few days later this same body of men from the windows of their place of meeting hung the two men referred to. Furthermore they proceeded to arrest various individuals—searched the houses of many of the best citizens on the most frivolous and groundless pretexts—establishing a system of espionage over the conversations and movements of respectable citizens—male and female, wholly unknown to the laws or usages of a Republican form of Government. At length, for one of the parties arrested by order of this self constituted tribunal, on proper application being made to one of the Judges of our Supreme Court, he issued a writ of *Habeas Corpus*. The sheriff was prevented by the armed resistance of this body of men from serving it and a few days later the party for whom the writ was issued—was, in company with several other citizens forcibly transported by different modes of conveyance—and to different places—report says, China, Australia, and the Sandwich Islands. In the meantime one of the number they had arrested and whilst in their custody, learning his sentence of banishment from the Country, committed suicide in the cell where they had him confined.

On the 3d day of the Present Month I issued a Proclamation (a copy of which I enclose in the form of a printed slip) declaring the County of San Francisco in a State of Insurrection. To Genl Wool I had previously in a personal interview detailed the condition of affairs—of which matters however he was fully informed otherwise. At such interview, he unhesitatingly promised me, on the representations made him that we were almost wholly destitute of arms and of ammunition we had none—to furnish on *my requisition* when

we wanted them, such arms and ammunition as we desired.

Within one or two days after the issuance of my Proclamation—of which I duly notified him—I made a requisition on Genl. Wool for certain arms and ammunition to be furnished Maj. General W. T. Sherman—in Command of the State troops at San Francisco. To my great surprise—he refused—alleging that he had no authority so to do in any case. That the necessities of the case were of such an urgent character as should induce compliance with my request I communicated with him again—(a copy of which letter dated June 7th I herewith enclose) To this his reply was as before—a peremptory refusal to furnish any part of such requisition. In the course of this time the Vigilance Committee continued to arm themselves with muskets a large quantity of which they early procured—Guns of various calibre ranging from 6 to 32 pounders numbering near or about thirty pieces,—erected fortifications in the central business portion of the City—proceeded with the trial and conviction of various persons—and now have in their custody several citizens—while others have been compelled to flee for protection and safety to remote parts of the State. While all these warlike demonstrations are proceeding with members of their organizations on the streets and public assemblages, and through the columns of the press controlled and directed by them the most violent harangues and inflammatory appeals are indulged both against the General and State Governments, and at least one of their organs—comes out boldly and defiantly against existing authority and calls upon the People to assemble and form a new government. The power and authority of the State is set at naught. These unlawful proceedings cannot be arrested—simply because we are destitute of arms and ammunition whereby to equip a force capable of coping with them, which it is now said numbers 6 or 7 thousand with their sympathizers in large numbers outside. At most we have not muskets and rifles more than sufficient to arm 600 men—ordnance and ammunition we have none. I would therefore most urgently ask that you transmit orders to the officer who is or may be Commanding the Pacific Division, to issue to the State authorities on the requisition of the Executive such arms and ammunition as may be needed for the purpose of suppressing the existing insurrection, or at least the number and quantity specified in the requisition I made on Genl. Wool as appears in the P. S. of enclosed copy of the communication to him of June 7th. I would also urge the importance of transmitting such orders to the officer Commanding this Department to render such assistance in arms and ammunition at any future period as may be required by the State Executive for the purpose of enforcing obedience to the Constitution and Laws—as it is feared the example afforded by the present organization may extend its influence to other localities—in all probability to renew the present one even after disbanding their forces. In conclusion I would add, without the aid which is now sought at the hands of the General Government, the State authorities can no longer afford protection to its citizens, or punish the lawless acts this body of men have been

guilty of, and with impunity they may and doubtless will proceed with their acts of aggression and disobedience towards the Government as will ultimately result in its entire destruction.

I would beg leave to refer you to the Hon. R. Augustus Thompson recently U. S. Land Commissioner for this State and Col. H. Forman, now the Post Master of this city—who are deputed by me to lay this Communication before your Excellency—for a more detailed and minute relation of these affairs, than can conveniently be embodied in a written communication.

Your earliest possible attention to this matter is extremely desirable.

Very Respectfully

Your Obt Svt

To Franklin Pierce
President of the U. S.

J. NEELY JOHNSON

Meanwhile the Governor had written to General Wool demanding that he release to the State government the arms and ammunition belonging to the State but stored in the federal arsenal at Benicia. The following correspondence discloses unforeseen difficulties which arose from compliance with the executive demand and which ended the possibility of armed opposition to the Vigilance Committee.

WISTAR'S REPORT TO THE GOVERNOR⁴¹

Benicia, June 18th 1856

3 P. M.

Gov. Johnson
Dear Sir,

I arrived at this place last evening & anticipating some difficulty or procrastination from Gen. Wool, I lost no time in presenting your requisition. After scanning it very closely he discovered that some form was omitted & promised to prepare the requisite papers, vouchers, etc. to-day. These I have only but now been able to obtain and now despatch to you by Mr. John Phillips, an officer of Calhoun Benham's company & who will attend to your future directions in this matter.

The boat is here waiting the arrival of the expected packages from Sacramento. I shall remain to receive these & send them to the State Prison in the absence of direct instructions to meet the present altered state of affairs. I have only to add, that Gen. Wool has promised distinctly that if your requisition comes down tomorrow night, with the accompanying forms filled, the articles shall be delivered *on the following morning*. If required here, or if their delivery is required at any other point on navigable water, arrangements shall be forthwith made accordingly. How would it answer to require their delivery at the State Prison. This would concentrate all these articles at the same place,

from whence their removal might be made promptly and quietly. Mr. Philips will inform you of anything further & in the meantime I subscribe myself

Very Respectfy

Yr most obt servant

ISAAC I. WISTAR

THE ARMY REPORTS 113 MUSKETS AVAILABLE⁴²

To his Excellency
J. Neely Johnson
Governor of California
Sacramento
Sir:

Benicia Arsenal, Calif.
June 18th, 1856.

The Major General Comdg. the Dept. of the Pacific has referred the letter from the Ordnance office, Washington, in reference to the quota of arms due the state of California to me; and I have prepared a statement in muskets of the amount of this years quota including the rifles and appendages already issued, which is embraced on the enclosed triplicate receipts.

The stores on the enclosed triplicate receipts have already been delivered to Doctor George, your authorized agent, with the exception of 113 muskets and appendages, and one horse artillery sabre and two bullet moulds. The last two articles were included to make up the value of the fraction of a musket.

I also enclose triplicate receipts for the ammunition delivered at the same time the rifles were to Doctor George: these receipts are necessary to me for a voucher for my property accounts, and when the cost price of the ammunition is paid for (see note in pencil on the receipts) the same will be duly acknowledged to you and taken up on my cash account.

Very Respectfully,

Your obedt. servt.

F. D. CALLENDER,
Capt. Ord. Comdg Benicia Arsl.

JOHNSON EXPRESSES HIS FEARS TO WISTAR⁴³

Executive Department
Sacramento City, Cal.
June 19th, 1856

Isaac I. Wistar, Esq.
Dr Sir

The bearer of this, Mr. Phillips will also take to Genl Wool the necessary vouchers for the Muskets (113) also directions to deliver them *wherever you designate*. May he not however procrastinate on the plea of want of time to make arrangements for transportation if you should suggest San Quentin

Point (States Prison). I fear so & maybe therefore you had better receive them at once at Benicia.

Very Respectfully

Your Obt Svt

J. NEELY JOHNSON

The arms in question were put aboard the schooner *Julia* for the purpose of carrying them to San Francisco and delivering them to the Law and Order party at that place. The Vigilance Committee sent a group of men led by John L. Durkee and Charles Rand to intercept the shipment. They overhauled the *Julia* near Point San Pablo in San Pablo Bay and, seizing the arms and their custodians, Maloney and Phillips, early on the morning of June 21, carried them to the city water front, where Maloney and Phillips were released. The arms however, were carried off to Vigilance headquarters. General Kibbe, the State Quartermaster General, at once wrote the following note to the Vigilance Committee demanding the return of the seized weapons:

GENERAL KIBBE APPEALS TO THE VIGILANCE COMMITTEE⁴⁴

Off. Qr. Mr. & Adj. Genl. Cal.

San Francisco, June 21, 1856.

To the Executive Committee
of Vigilance, San Francisco
Gentlemen

Complaint has this day been made to me by Lt. John [G.] Phillips who was duly authorized by his Excellency Governor J. Neely Johnson to proceed to Benicia and receive from Maj. Gen. John E. Wool certain arms & accoutrements due the State from the General Government, that while conveying the Arms from the Port of Benicia to the City of San Francisco, the vessel upon which the said arms were being conveyed was boarded by an armed body of men acting under the authority of your committee and the Arms and accoutrements belonging to the State and then in the proper custody of said Phillips were forcibly taken from his possession and are now as it is fully believed in the possession of and under control of your Committee.

Believing that no act of this nature could be sanctioned by any order of your Committee, I hereby request the same to be investigated and the said Arms and accoutrements be placed in my hands as the proper custodian of the arms and accoutrements and also all other military property of the State. Desiring an early reply to this demand. I am, Gentlemen

Respectfully yours

[WM. C. KIBBE]

Qr. Mr. & Adj. Genl. Cal.

Early in the afternoon of the same day the Vigilance Committee decided to arrest Maloney and Phillips. Maloney was found at the office of David S. Terry, who announced his official position as Justice of the Supreme Court of

the State and the fact that he was a peace officer and forbade any arrest to be made in his presence. Hopkins, one of the committee's policemen, then came back with a larger force and attempted to seize Maloney. Terry interposed with his gun. Hopkins held him off and then Terry drew his bowie knife and stabbed Hopkins in the neck. Terry and Maloney were delivered up to the Vigilance Committee upon their guarantee that no violence would be allowed. The committee then demanded the immediate surrender of the Law and Order party's arms and ammunition. This was also complied with and about seventy-five of the opposing forces surrendered as prisoners of war. Thus the opposition to the Vigilance Committee suffered a sudden and permanent collapse.

As a result of this new state of affairs, the secretary of the committee answered Kibbe's request for the return of the weapons with the following curt note:

THE VIGILANCE COMMITTEE'S ANSWER⁴⁵

Executive Committee Chamber.
San Francisco, June 22, 1856.

Wm. C. Kibbe Esq.
Qr. Master and Adjutant
General of the State of California
Sir,

I am directed by the Executive Committee to acknowledge receipt of your communication of the 21st inst. relative to certain arms and accoutrements of the state said to be in possession of this Committee.

The subject matter of your note will meet with our earliest and most serious consideration and investigation.

Respectfully

Your Obt. Servt.

33 SECRETARY.

With armed opposition to the Vigilance Committee at an end, the Governor's chief concern was the fate of Judge Terry. From this time on most of the correspondence has to do with reports to the Governor concerning conditions in San Francisco, especially with the physical condition of Hopkins and the treatment being accorded to Terry.

NOTES

29. Copy, signed by Johnson, Johnson papers.
30. Vigilance Committee letters in State Library, Sacramento.
31. Copy, in Johnson's hand, Johnson's papers.
32. Original in Johnson papers.
33. Original in Johnson papers.
34. Original in Johnson papers.
35. Hittell, Theodore H., *History of California*, III, 563.
36. Original in Johnson papers.

37. Copy, in Johnson's hand, Johnson papers.
 38. Copy, signed by Johnson, Johnson papers; also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, pp. 6-7.
 39. Copy, in Johnson's hand, Johnson papers; also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, p. 7.
 40. Draft, in Johnson's hand, Johnson papers; also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, pp. 2-4.
 41. Original in Johnson papers.
 42. Original in Johnson papers.
 43. Copy, in Johnson's hand, Johnson papers.
 44. Copy in Johnson papers.
 45. Copy in Johnson papers; also printed in Hittell, *History of California*, III, 570-74.
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NEW MEMBERS

<i>Name</i>	<i>Address</i>	<i>Proposed by</i>
Beckett, Garner A.	Los Angeles	Mr. Allen L. Chickering
Bohemian Club	San Francisco	Mr. Henry F. Fortmann
Bush, Chesley, M.D.	Livermore	Mr. T. W. Norris
Chickering, Miss Martha A.	Chicago	Mr. Allen L. Chickering
Hardy, Lowell E.	Piedmont	Mr. Allen L. Chickering
Jessup, Edgar B.	Piedmont	Messrs. Dane, Watson, Norris and Wiltsee
Joy, Emmett P.	San Francisco	Dr. A. T. Leonard, Jr.
McCann, F. P.	Piedmont	Mr. Allen L. Chickering
Pennsylvania Historical Society	Philadelphia	Miss Dorothy Huggins
Pillsbury, Horace D.	San Francisco	Mr. E. A. Wiltsee
Smith, Miss Mildred M.	San Francisco	Dr. A. T. Leonard, Jr.
Sprague, Richard H.	San Francisco	Mr. E. A. Wiltsee
Weil, A. L.	Los Angeles	Mr. E. A. Wiltsee
Whedon, John F.	San Francisco	Mr. Albert Sperisen

CONTINUATION OF THE ANNALS OF SAN FRANCISCO*

Extracted from the Daily Papers of the Time

JUNE 1854

JUNE 1. Three steamships, the P. M. S. S. Co.'s steamship John L. Stevens, the Yankee Blade, of the Independent Line for Panama and the Nicaragua Co.'s steamship Sierra Nevada for San Juan, left, carrying away treasure to the amount of \$2,685,663.38, and a large number of passengers, among whom were Madame Anna Thillon and Miss Susan Denin. . . . Mr. Frank Whitney of Howard Engine Co. No. 3, was brought before the Recorder charged with disobedience of orders of the Chief Engineer, Charles Duane, during the fire on Dupont street, but the Recorder dismissed the case as more properly belonging to the consideration of the Board of Delegates of the Fire Department. . . . Wm. S. Scott was brought before the Recorder on a charge of setting fire to the house contiguous to the county jail during the late fire, and was sent up to the Court of Sessions his bail being fixed at \$6,000. . . . Frederick Emory, convicted in the U. S. District Court of a violation of the neutrality law, upon his affidavit setting forth his inability to pay the fine imposed upon him or any part thereof, was discharged from custody.

June 2. The case of the Filibusters, Wm. Walker, H. A. Snow and J. M. Jarnagin, charged with infringing the neutrality law came up for trial before the U. States District Court. The first asked for a continuance on account of the absence of Emory who was a material witness. The Court took the plea under advisement but ordered a bench-warrant to issue against the other two defendants.

June 3. While Dr. Cole of the firm of Little & Cole, Druggists, was preparing to take a ride into the country, a pistol fell from his bosom and was discharged, the ball passing through his body in the region of his stomach. Medical assistance was immediately procured and at a late hour of the night hopes were entertained of his recovery. . . . The Nic. steamship Cortez arrived 13 days from San Juan, bringing 577 passengers and news of the destruction of San Salvador by an earthquake. . . . The grand jury for the month of May, presented their report. In the matter of the late disastrous explosion of the Secretary, they accuse Messrs. Gordon & Steen of most culpable negligence. They think the public funds are not sufficiently secured because the recipients of them are also the sureties of the city fiscal officers. They remark the disposition of most of the city officers to neglect their duties and leave them to be discharged by their clerks. The State Marine Hospital is considered insufficient for the wants of the city, and they propose that a larger and more commodious building should be erected in some suburban situation. It condemns the sectarian feeling which in many respects pervades the government of the common schools. The streets are described as being in a deplorable condition, and with regard to the grades, they advise that where the work has been commenced or completed in accordance with the existing plan, that it remain unchanged, while the modified grades be adopted to such streets of the city as are yet unimproved. The result of their scrutiny of the Police Court, constrained them to find a bill of indictment against its presiding officer.

* The *Annals of San Francisco*, by Soulé, Gihon and Nisbet, carries the reader only to June, 1854. The continuation, of which this page is a sample, is spoken of at length on page 99 of this *Quarterly*, and is reprinted from *The Pioneer*, July 1854.

MEETINGS OF THE SOCIETY

MR. AUBREY DRURY, author of *California: an Intimate Guide*, addressed the Society's luncheon meeting held on Tuesday, December 17, 1935, at the Sir Francis Drake Hotel. Thirty-three members and guests attended.

Mr. Drury gave an informal talk on "Some California Place Names," taking his audience on a ramble throughout the State to examine place names derived from widely varied sources. The origins of some have been lost to us, and we have no explanation of why they were chosen. Others, such as Tamalpais, lend themselves to several possible and plausible interpretations, depending upon whether we believe them to have come from the Indian or Spanish languages. Topographical features, importations from out-of-the-State Indian tribes, historical events, pioneer Anglo-Saxon families, local catastrophes, and incidents in frontier experiences were shown to be sources of origin. Folk stories, often amusing, have grown up about many place names, and while they are not authentic, they serve to lend color and charm. Fragmentary titles have been clipped from longer Spanish forms, as exemplified by "Del Norte" and "Del Mar": a practice which has been seized upon by modern real estate subdividers, resulting in one instance in such an amazing example of artificial nomenclature as "Vista Mar Monte," in which none of the attractions of the locality were omitted.

The Annual Meeting of the Society was held on Friday, January 24, 1935, at the Sir Francis Drake Hotel, with an attendance of some sixty members and guests. The speaker was Professor George W. Hendry, of the University of California, whose subject was "California History from Adobe Bricks."

From Professor Hendry's study of the plant content of adobe bricks taken from early buildings, much has been learned of the grains and weeds which grew in California during the Mission period. The written records of the early Franciscans often speak of wheat, barley, etc. being grown at the Missions, but little has been known as to the varieties of these cereals. They can now be identified by examining the binder used in making the bricks, and it has been discovered that the varieties of wheat grown commercially today, were introduced by the Mission padres. As the adobe was dried in the sun, and must have been kept dry to avoid destruction, the organic matter used in them survives in a perfect state of preservation. Lantern slides showed the process of adobe brick making, some of the plant material found in old bricks, and a few of the original adobe buildings still standing in the Bay Region. Professor Hendry's object in making this study is to construct a chronology of plant and weed introduction into California, from which it will be possible to date not only early adobe buildings, but also the progressive spread of both weeds and cultivated plants. In the nine counties bordering

Exon. See Ch.
Am. Anthrop.
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San Francisco Bay, Professor Hendry has to date located over one hundred adobe structures, which with their recorded history form the basis of his investigations.

The February luncheon meeting of the Society was held on Tuesday, the 18th, at the Sir Francis Drake Hotel. About thirty members and guests were present.

Mr. Douglas S. Watson read a paper on "San Francisco's Old Spanish Cannon: Their History from the Time of the Castillo de San Joaquin to the Present," which is published elsewhere in this issue of the *Quarterly* and, therefore, is not summarized here.

ANNUAL MEETING

THE ANNUAL BUSINESS MEETING of the Society was held during the luncheon of Friday, January 24, 1936. Upon motion, the reading of the minutes of the last meeting was dispensed with. The following Directors were elected for the year 1936: Albert M. Bender, Anson S. Blake, Allen L. Chickering, Robert E. Cowan, Templeton Crocker, George Ezra Dane, Sidney M. Ehrman, Alfred I. Esberg, A. T. Leonard, Jr., C. O. G. Miller, Stuart L. Rawlings, D. Q. Troy, Mrs. Daniel G. Volkmann, Douglas S. Watson, Ernest A. Wiltsee.

The Secretary read his report for the year 1935, as follows:

REPORT OF THE SECRETARY AND TREASURER

For the Year Ending December 31, 1935

MEMBERSHIP

The year has resulted in a net gain of 92 members. We had 408 members at the beginning of the year 1935. We elected to membership during the year, 130 (including 1 patron member), and reinstated 3 former members. There resigned during the year, 24 (including 1 patron member), died during the year, 10, and dropped for non-payment of dues, 7; leaving 500 members as of December 31, 1935. Two active members (Mr. Milton H. Esberg and Mr. E. A. Wiltsee) also transferred to patron membership during the year.

MEETINGS

Five Directors' meetings were held during the year, and the Society held eleven luncheon meetings, the first of which included the annual business meeting. The luncheon meetings were as follows:

Jan. 25—"An Outline Sketch of the Maritime Fur-trade." Judge F. W. Howay.

Feb. 19—"The Panama Pacific Exposition in Twenty Year Retrospect." Mr. A. J. Cleary.

Mar. 19—An informal talk on General Sutter and the duties of a biographer. Mr. Julian Dana.

Apr. 16—"San Francisco One Hundred Years Ago." Mr. Charles Caldwell Dobie.

May 21—"Stage-coach Days in California." Oscar Osburn Winther, Ph.D.

- June 25—"How Revolutions Against Mexican Control Held California for the United States—Four Major Causes and Their Effects." George Tays, Ph.D.
 Aug. 27—"Writing an Epic of the California Gold Rush." Mr. Robin Lampson.
 Sept. 17—"The Personal View of the Literature of California." Prof. George R. Stewart, Jr.
 Oct. 22—"The Land of Little Rain." Helen MacKnight Doyle, M. D.
 Nov. 19—"The Early Theaters of San Francisco." Mr. James Madison.
 Dec. 17—"Some California Place Names." Mr. Aubrey Drury.

EXHIBIT

The Directors voted to participate in the Century of Commerce Celebration, October 14-19, the first intention being to hold an exhibit at Larkin Hall. Owing to the illness of Mr. D. Q. Troy, Chairman of the Exhibit Committee, it was found impossible to find anyone to undertake the labor of assembling the material. However, open house was held at the rooms of the Society during the celebration, and our permanent exhibit was viewed by quite a large number of visitors.

UNIVERSITY EXTENSION COURSE

The Society again sponsored a series of twelve lectures on California History, held in the Society's rooms under the auspices of the University of California Extension Division. Four lectures each were given by Professors Herbert E. Bolton, Herbert I. Priestley, and Frederic L. Paxson. The course was much appreciated by those who attended, and the number was larger than for the first course.

GIFTS AND LOANS

For gifts and loans of books, pamphlets, pictures, maps, and other historical items received during the year 1935, we are indebted to the following:

Automobile Association of Southern California, Ayer Collection of the Newberry Library, Miss Anna W. Beaver, Mr. Albert M. Bender, Mr. Fred J. Bowlen, California State Historical Association, Miss Katharine R. Carroll, Mrs. Alice B. Chittenden, Christopher Publishing House, Claremont Colleges Library, Mr. Roy W. Cloud, Mrs. Edmond D. Coblentz, Mr. Robert E. Cowan, Mr. George Ezra Dane, Mrs. J. H. Deering, Mr. Aubrey Drury, Mr. Edward Eberstadt, Mr. Robert Edgerton, Miss Jean Scott Frickleton, Kenneth D. Gardner, M. D., Mr. Francis G. Graves, Miss Marian R. Hart, Mrs. Theodore Hawley, John A. Hooper Company, Miss Stella Huntington, Industrial Association of San Francisco, Mr. Emmett P. Joy, Mr. Joel W. Kaufmann, Miss Florence R. Keene, Mr. Lawton Kennedy, Kern County Historical Society, Mr. Philip B. Kimball, A. T. Leonard, Jr., M. D., Miss Alice C. Lynch, Mr. M. Hall McAllister, Mr. A. S. Macdonald, Sergeant P. H. McGee, Mr. J. W. Mailliard, Jr., Prof. Eliot Grinnell Mears, Miss Juanita Miller, W. W. Norton & Company, Inc., Miss Pearl Adair Pearson, Mr. Harry T. Peters, Mr. Winfield Scott Runde, San Francisco Fire Department Historical Society, San Francisco Garden Club, Mr. E. G. Schmiedell, Mr. Frank Schwabacher, Mr. Arthur L. Slee, Mr. G. S. Smith, The Southwest Press, The SERA, G. E. Stechert & Company, Prof. George R. Stewart, Jr., Mr. John F. G. Stokes, Mr. F. A. Thomas, Mrs. William D. Tillinghast, Mrs. Eusina Tompkins, Mr. D. Q. Troy, Mrs. T. F. Trumbull, University of California Press, Mr. Henry R. Wagner, Mr. Rolla B. Watt, Mrs. Francis Williams, Mr. E. A. Wiltsee, Rev. Henry Woods, Miss Lottie G. Woods, Miss Maude Woods.

In addition to the foregoing gifts, we received a cash gift from Mr. Allen L. Chickering of \$100.00, and in addition Mr. E. A. Wiltsee contributed a \$4.00 copy of *The Pioneer Miner and the Pack Mule Express* which was used in an exchange for the reprint of *The American Fur Trade*, which the Society acquired during the year, the balance having been made up by the Society's own publications.

FINANCIAL

Following the precedent of last year, the books of the Society have been audited by Mr. Francis P. Farquhar, whose complete report is on file covering the year. Copied here is a summary of receipts and disbursements of the general fund for the year:

GENERAL FUND RECEIPTS AND EXPENDITURES

YEAR ENDED DECEMBER 31, 1935

RECEIPTS

Dues:

Active Members	\$4,547.43	
Patron Members	1,400.00	\$5,947.43

Contributions:

General Purposes	\$ 104.00	
Rental of Room	900.00	1,004.00

Sales:

Quarterlies	\$ 193.00	
Other Publications	83.19	276.19

Sundry		5.19
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Total Receipts		\$7,232.81
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EXPENDITURES

Operating Expenses:

Salaries	\$2,087.50	
Rent	1,800.00	
Telephone and Telegraph	65.51	
Postage and Express	104.29	
Office Supplies and Expenses	163.60	
Printing and Multigraphing	51.16	
Auditing	108.00	
Miscellaneous	36.61	\$4,416.67

Exhibitions and Luncheons:

Exhibitions—General Expense	\$ 10.00	
Exhibitions—Sub-Committee Expense	34.90	
Luncheons	193.69	238.59

Publication Costs:

Quarterly		2,248.99
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Other Expenditure:

Equipment, Furniture and Books		28.29
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Total Expenditures		\$6,932.54
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EXCESS OF RECEIPTS OVER EXPENDITURES		300.27
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BALANCE—DECEMBER 31, 1934		45.05
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BALANCE—DECEMBER 31, 1935		\$ 345.32
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Respectfully submitted,

ANSON S. BLAKE, *Secretary and Treasurer.*

REPORT OF THE PUBLICATION COMMITTEE

THE PUBLICATION COMMITTEE is required to make an annual report, which should give it the opportunity to boast of its accomplishments and to congratulate the Society upon the excellence of its work. This prerogative, however, it relinquishes, preferring to leave the appraisal of its efforts to the members of the Society.

The net result of its endeavors for the past year has been four issues of the *Quarterly*, which seemed to meet with approval although they reached the reader either late in the month of publication or during the month following. Three reprints were also issued: *The Annals of Los Angeles*, by J. Gregg Layne; *The Story of San Jose*, by Oscar Osburn Winther; and *The Inside Story of the Gold Rush*, by Jacques A. Moerenhout. The first two mentioned are now out of print, while of the last but a few copies remain. In addition to the above, the *Index to the Annals of San Francisco* was published, which also met with a ready sale. A copy of this essential aid should be on the shelves of all libraries, whether public or private.

Space in the *Quarterly* is limited to 96 pages. On this account, many important and interesting articles have to wait their turn for months. A larger *Quarterly* would remedy this condition, and likewise permit of a more varied table of contents. As it is, contributions of worth are often crowded out.

Recognition must be made of the efficient help rendered by both Miss Dorothy Huggins and her assistant, Mrs. Laura White, in preparing matter for the press and in reading proof, and of the assistance that the individual members of the committee have rendered in passing upon contributions submitted for publication.

DOUGLAS S. WATSON, *Chairman.*

GIFTS RECEIVED BY THE SOCIETY

December 1, 1935, to February 29, 1936

From MR. ALBERT M. BENDER—Bohemian Grove plays: 1912, 1914, 1915, 1916, 1926, 1935; Crane, Clarkson, *The Western Shore*, N. Y. [1925]; Ferris, Constance, *Orchards and orchids*, S. F. [1933]; Fitzgerald, Edward (tr.), *Rubaiyat of Omar Khayyam*, S. F., William Doxey [1898]; Hall, Ansel F., *Handbook of Yosemite National Park*, N. Y., 1921; Johnson, Samuel, *Letter to Lord Chesterfield* [Berkeley, printed for Albert M. Bender, 1936]; *Letters of Western authors*, S. F., Book Club of California, 1935; Newcomb, Rexford, *The Spanish house for America*, Phila., 1927; Simpson, Lesley Byrd, *Branciforte*, S. F., privately printed, 1935; Smith, Willard, *For further reading, a list of . . . novels* [Mills College, 1935]; Woods, Henry, *Ludi Ignatiani*, S. F., 1930; and others.

From MR. AUBREY DRURY—Drury, Aubrey, *California, an intimate guide*, New York, 1935.

From HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA—Tallack, William, *The California overland express*, Los Angeles, Historical Society of Southern California, special publication no. 1, 1935.

From MISS DOROTHY H. HUGGINS—Bureau of Ethnology, *Reports* for 1885-86, 1888-89, 1892-93 (2 parts); Bureau of American Ethnology, Bulletin 30, *Handbook of*

American Indians, Part I, Washington, 1907; Commissioner of Indian Affairs, *Reports* for 1881, 1882, 1883, 1884, 1885, 1888; 11 nos. of *Century Magazine*, 1885-88.

From MISS FLORENCE R. KEENE—Braithwaite, Wm. S. (ed.), *Anthology of magazine verse* for 1920, 1921, 1922, 1928, 1929; Northe, James N. (ed.), *Land of gold*, Ontario, Calif. [1934]; Trent, Lucia, *Early harvest*, Phila., 1931; Wagner, C. A., *Prize poems*, 1913-1929, N. Y., 1930; Watkins, E. P., *Greetings from California*, S. F. [1930].

From MISS MARIAN M. JONES—Sherman, W. T., *Memoirs* (2 vols.), N. Y., 1875; 40 back numbers of California Historical Society *Quarterly*.

From MR. A. S. MACDONALD—Massachusetts & California Company, *Articles of Agreement*, Northampton, Mass., 1849.

From THE MACMILLAN COMPANY—Wilson, Neill C., *Treasure express: epic days of the Wells Fargo*, N. Y., 1936.

From MR. HARRY T. PETERS—Peters, Harry T., *California on stone*, New York, 1935.

From SAN FRANCISCO GARDEN CLUB—Palmer, Mrs. S. H. (compiler), *Vignettes of early San Francisco homes and gardens*, S. F., 1935.

From MR. HENRY R. WAGNER—B[urton], R., *The English hero: or, Sir Francis Drake reviv'd*, London, 1701; *Dictamen de la Comision de Distrito y Territorios, sobre secularizacion de las misiones de ambas Californias*, Mexico, 1833 (photostat, bound); Englehardt, Zephyrin: *Missions and Missionaries of California*, Vols. I and II, 1929 and 1930; *idem.*, monographs on the following Missions: *San Antonio de Padua*, 1929; *San Carlos Borromeo*, 1934; *San Fernando Rey*, 1927; *San Gabriel*, 1927; *San Juan Capistrano*, 1922; *San Luis Obispo*, 1933; *San Miguel*, 1929; *Soledad*, 1929; l'Anson, Miles, *Vision of Misery Hill*, N. Y., 1891; Extracts from *La Cruz*, Vols. III, IV and VI, Mexico, 1856 and 1857; Roa Barcena, J. M., "El Padre Franciscano Serra," and Domenech, E., "Diario de un Misionero en Texas"; *Love life of Brig. Gen. Henry M. Naglee* [San Francisco], 1867; *Receuil*, Vols. IV and V: "Voyage d'Ethiopie" and "Lettres édifiantes et curieuses, . . . par quelques Missionnaires de la Compagnie de Jesus," Paris, 1713 and 1724; Sutter, Brigadier, U. S. A., *Gold for digging in California* [London, ca. 1850]; Twiss, Travers, *The Oregon question examined*, London, 1846; Van Rhyn, J. H. (tr.), *Ordenanzas de la Ciudad de Los Angeles*, Los Angeles, 1860.

MANUSCRIPTS

From MISS MARIAN M. JONES—Abstract of title of part of Rancho San Antonio.

From MR. A. S. MACDONALD—Stockholders' records and correspondence, Massachusetts and California Co., 1849.

From MRS. T. F. TRUMBULL—Keeler, Edward, Log of the bark *Anna Reynolds*, 1849; Diary of Isaac Shepard, Jr., kept on barque *Belidora*, 1849.

PICTURES AND MAPS

From MR. ALBERT M. BENDER—Large framed photograph by Arnold Genthe, "The Street of the Gamblers"; reproduction of the foregoing; Album of photographs of California actors, 1870-1880; Souvenir of General Grant's tour (Taber photo.).

From KENNETH D. GARDNER, M. D.—Photographs (3) of Captain Roald Amundsen, Ship *Gjoa*, and Crew of *Gjoa*.

From MR. A. S. MACDONALD—Photograph of Dr. J. C. Tucker's yacht *Minnie*, the first large yacht built on the Pacific Coast.

From MRS. WALTER M. SIMISON—Photograph of scene at "Driving of last spike," Promontory, Utah, 1869.

From MRS. T. F. TRUMBULL—Sketches accompanying Keeler's log of the *Anna Reynolds*.

From MR. CARL I. WHEAT—Reproduction of Ord's "Plan de la Cuidad de Los Angeles."

From MR. C. E. WHITESIDE—Photographs (2) of petroglyphs in cave in Santa Inez Mountains.

From MISS LOTTIE G. WOODS—Etching of Big Trees of California, 1887.

MISCELLANEOUS

From MRS. J. H. DEERING—Badge, Defence Day, Sept. 12, 1924; Invitation, Feb. 20, 1914.

From MR. DUDLEY DEXTER—Program of Grant's obsequies, Oakland, Aug. 8, 1885.

FROM MR. A. S. MACDONALD—Stock certificates of Massachusetts and California Company.

LOANS

From MISS ENID M. KING—Sheet music, "I do not want to be drowned" (wreck of *Golden Gate*.)

From A. T. LEONARD, JR., M. D.—Vizcaino's map of California, 1602 (copy, framed).

In Memoriam

EVERETT NEWTON BEE

1860-1935

EVERETT NEWTON BEE was the son of Albert W. Bee who arrived in California in June, 1849, and who, after engaging successfully in mining, embarked in commercial business at Placerville, then known as Hangtown. In 1854 he returned to the Atlantic seaboard, where he married Miss Sophronia Clapp, the daughter of a distinguished Massachusetts family whose members had been prominent personages in the Revolutionary War. Upon his return to Placerville, Mr. Bee, with his brother, F. A. Bee, constructed the first telegraph line across the Sierra, linking California with Nevada, the eastern terminal being Genoa. Foreseeing the necessity of telegraphic connection with the settled portions of the United States, Mr. A. W. Bee again journeyed East and there entered into negotiations with the owners of existing telegraph lines. He was thus largely responsible for the completion of the overland telegraph which joined the Pacific with the Atlantic in November, 1861. The elder Mr. Bee died suddenly in 1863 while engaged in silver mining at Austin, Nevada.

Everett N. Bee possessed many of his pioneer father's characteristics. As a boy he entered the employ of the old San Francisco firm of Macondray & Company and later, in association with James Otis, Jr. and M. Hall McAllister, embarked in the export and import trade under the style of Otis, McAllister & Company, in which business he continued until his death. In his youth he was devoted to athletics, especially amateur baseball and tennis.

Everett N. Bee was a man of able business judgment, honorable and upright. He never married. By his passing, October 27, 1935, another link with California's pioneer days was severed.

ERNEST A. WILTSEE.

PHILIP BALDWIN BEKEART

1861-1936

GOLD was discovered at Coloma, and there "Phil" Bekeart, as all called him, was born October 1, 1861. His father, Jules François Bekeart, arrived in San Francisco on April 1, 1849, and shortly afterward established himself as a gunsmith at Coloma. The elder Bekeart knew intimately both Sutter and Marshall. It was quite natural, therefore, for the son to be intensely interested in the glamor of the Gold Rush days, ever a subject of family conversation, and to make the study of California's early history his avocation in his later years. Mr. Bekeart's collection of Californiana was one of the finest and most complete in private hands. He interested himself in all matters bearing upon the discovery of gold at Coloma and the State's early history. His rediscovery and marking of the exact location of Sutter's mill, and his tracing of the identity of the first "chispa," or flake of gold—"Phil" Bekeart would never permit anyone to say *nugget*—were outstanding contributions. Every library is proud to possess the monographs he wrote concerning these achievements. During recent years he contributed many articles of historical interest to various western magazines. His "Flags That Have Flown Over California," which he issued as a pamphlet, was designed to settle for all time a controversial subject. He was an active member of this Society, a past president of the California State Historical Association, and a former director of the Society of California Pioneers.

Mr. Bekeart was as well known as a sportsman as he was as an historian. He had many warm admirers, one of whom in speaking of his death said, "California has lost a worthy son and we have lost a staunch and loyal friend."

Mr. Bekeart died in San Francisco on February 15, 1936. He is survived by his widow and his son, Philip K. Bekeart, who was associated in business with his father.

FRED W. DOHRMANN, JR.

1873-1936

MR. DOHRMANN, who died January 4, 1936, at Palm Springs, following a heart attack, was one of San Francisco's notable citizens, a man of character who gave freely of his time and money, his energy and spirit for many purposes of civic betterment. His business ideals were of the highest order. He was constantly striving for better conditions affecting the great number of his employees. A life-long friend said of him in eulogy, "Typical of Mr. Dohrmann's contribution to the civic life of San Francisco was his invaluable assistance to the Chest. Upon its organization in 1923 he became a member of the first budget committee and laid the foundation for the present methods of apportioning money to agencies." On the day of his funeral, the flags of San Francisco's public schools flew at half-mast in tribute to his memory.

Mr. Dohrmann was president of Nathan-Dohrmann Company, which his father had founded in 1862, and in which institution he was associated with his brother, A. B. C. Dohrmann.

Mr. Dohrmann is survived by his widow, three daughters—Mrs. R. N. Nason, Jr., Mrs. John B. Cosgrove, Jr., and Miss Helen Dohrmann—and one son, Mr. Jack Dohrmann.

MRS. CHARLES E. GREEN

MRS. CHARLES E. GREEN, long a member of the Society, passed away at her home in San Francisco, February 16, 1935, following a protracted illness. Mrs. Green was a charter member of the Town and Country Club and a member of the Century Club. Her husband, Charles E. Green, one of the best-known men of his time in San Francisco's financial circles, pre-deceased his wife by but a few months. Mrs. Green is survived by a son, Allen Green, and by a sister, Mrs. Sidney B. Cushing.

TIMOTHY HOPKINS

1859-1936

TIMOTHY HOPKINS, a distinguished man and a courtly gentleman, was born in Augusta, Maine, and when only two years old was brought to California. The *Hopkins Genealogy*, printed by the Stanford University Press, states: "Mark Hopkins had no children, but he brought up from infancy as a son, and his widow adopted, Timothy Hopkins."

The death of Mark Hopkins, one of the four great railroad builders of California, placed great responsibilities upon Timothy Hopkins' young shoulders. At the age of twenty-four he was made treasurer of the Central Pacific Railroad. In that office he gained much of the experience which served him so well in later years as an officer and director of some of California's largest financial and industrial enterprises.

However, the institution with which his name and memory will be most enduringly linked is the University at Palo Alto founded by Senator and Mrs. Stanford. Timothy Hopkins was one of the original Board of Trustees appointed in 1885, and served continuously until his death. That service was no perfunctory thing, for his heart was enlisted in the cause, and his time, his thought and his means were ever at the command of Stanford University. His was a devotion which is rare indeed. By his will, he magnificently endowed the great libraries on medicine and transportation which he founded at the University, as well as the Marine Station at Pacific Grove which bears his name. The Stanford Convalescent Home probably owes more to his energy and devotion than that of any other single person. He worked for it as hard and as zealously as he did for Stanford University.

Timothy Hopkins was a vital and distinguished figure in many walks of life. He received the highest honors that Masonry can confer, having been a member of the Supreme Council with the title of Inspector General—an Honorary 33rd degree Mason.

His interest in California history was deep and sincere. His life, covering the period between the old and the new, had placed him in close relationship with many of the State's most distinguished men, and when in the mood he would relate interesting and unknown incidents and anecdotes connected with their careers. It is a matter of regret that these bits of intimate history were never recorded by him.

Timothy Hopkins will be truly missed. He radiated good humor—he was companionable—he had scholarly interests—above all he was a kindly, splendid gentleman.

His widow, Mary Kellogg Hopkins, and a daughter, Lydia Hopkins, survive him.

SIDNEY M. EHRLMAN.

PERSONALIA AND MARGINALIA

THE *Annals of San Francisco*, the monumental work of Messrs. Soulé, Gihon and Nisbet, carries the reader only to July, 1854. To continue the record from that date, there will be printed in the June and succeeding *Quarterlies* a summary of events in diary form. Depending upon the space available, this continuation of the *Annals* will cover at least a six months' period in each issue. Since the indexing of the contents of each volume of the *Quarterly* will take account of every event, it is believed that this will be of great use to both the casual reader and the scholar. The Publication Committee may issue this matter in pamphlet form at the end of the year. Should this be done, the reprint likewise will be provided with an index. A sample page of this "Continuation of the Annals of San Francisco" will be found elsewhere in this *Quarterly*.

It is to be regretted that in this issue the Western History Check List has been omitted for lack of space. However, several recent publications of note, which cannot be passed over, must be mentioned. The Historical Society of Southern California, under the editorship of Carl I. Wheat, has issued a limited edition (150 copies) of *The California Overland Express*, by William Tallack. This well printed octavo volume of 90 pages, with illustrations, map, check list of published material on the Butterfield Overland Mail compiled by J. Gregg Layne, and a comprehensive introduction by Mr. Wheat, from the press of Ward Ritchie, is an important addition to Californiana. Neill C. Wilson's *Treasure Express*, which tells the story of the exploits of Wells Fargo & Company and its predecessors in a lively and authoritative manner, is another contribution covering transcontinental transportation which will find many pleased readers. This well-illustrated book of 322 pages is published by Macmillan. *California on Stone*, by Harry T. Peters, from the press of Doubleday Doran, reproduces many of the early lithographs for which this State has long been famous, and also gives outlines of biography concerning both artists and lithographers. The task of gathering much of the material for this excellent example of the illustrative arts Mr. Peters intrusted to Mrs. Laura White, now assistant to the Society's corresponding secretary. A forthcoming publication announced by John Howell is *California in the Fifties*. This will contain reproductions of one of the most complete collections of lithographs of early towns and mining camps so far made with explanatory text. This and the Peters book will preserve California's pioneer contribution to the graphic arts.

The recent publication by John Henry Nash of Catherine Coffin (Mrs. Lee A.) Phillips' *Jessie Benton Frémont: a Woman Who Made History* deserves more than passing notice. The author has captured the flavor of those stirring days of westward expansion of the United States in the pleasing form

of a biography of the truly great daughter of that outstanding exponent of continental frontiers, Senator Thomas Hart Benton of Missouri, whose every effort was toward their attainment. Mrs. Phillips' characterization of the wife of John Charles Frémont cannot be said to be free of bias. Quite properly, the standpoint has been taken that this work is not a critical examination of the age-long controversy concerning the actions of Jessie Benton Frémont's husband. The story is frankly told from the point of view of a loyal and courageous wife whose life effort was to uphold the honor and dignity of the man who she felt was much misunderstood and maligned. The picture of the home life of the Frémont ménage both in Monterey and in San Francisco, where their house became a center for the gathering of all the notables of the day, is one of the charming bits which will long be remembered by the reader, who will likewise find all of the 360-odd pages of the book both interesting and enjoyable. This biography, covering as it does the period of the conquest of the West, discloses the personality of a strong character. One concludes after reading it that the power behind the explorer upon whom the title of "Pathfinder" was bestowed was really Jessie Benton Frémont.

The story of the trials of the ill-fated Donner party in verse from the pen of another Society member, Julia Cooley (Mrs. Rudolph) Altrocchi, with the title of *Snow Covered Wagons* has just been issued by The Macmillan Company. This volume of 203 pages is decorated with end paper maps showing the route taken by the wagon train whose tragic experiences horrified not only California but the nation in 1847.

From March 1 on, the rooms of the Society will be open each Saturday afternoon from one to five o'clock, during which time the library will be available.

Dr. Milton H. Shutes, whose article on "Abraham Lincoln and the New Almaden Mine" appears in this issue, is a practicing physician in Oakland whose hobby is Lincolniana. Among his published works is the volume entitled *Lincoln and the Doctors*, printed in 1933 by the Press of the Pioneers. Dr. Shutes was born in St. Louis, Missouri, in 1884, was graduated from Central Wesley College, and obtained his medical degree from Northwestern University. After further study in Europe and two years in the Philippines, he served as assistant surgeon at the Illinois Eye and Ear Infirmary in Chicago. Today he fills the position of oto-rhinologist to the Cowell Memorial Hospital at the University of California, besides being chief of the ear, nose and throat staff at the Samuel Merritt Hospital in Oakland.